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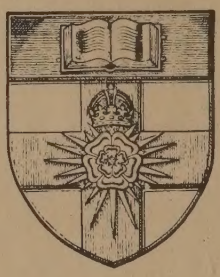

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B I L L S,

PUBLIC:

EIGHT VOLUMES.

— (7.) —

METROPOLIS LOCAL MANAGEMENT (SAINT PAUL, DEPTFORD),

TO

PREVENTION OF CRUELTY TO CHILDREN [H.L.]

Session

12 *March* 1894 —— 25 *August* 1894.

VOL. VII.

1894.

BILLS:

1894.

EIGHT VOLUMES:—CONTENTS OF THE

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Metropolis Local Management (Saint Paul, Deptford) Bill.

MEMORANDUM.

The parish of Saint Paul, Deptford, was by the Metropolis Local Management Act, 1855, united with the parishes of Greenwich and Saint Nicholas, Deptford, to form the Greenwich District.

In 1861 (six years after the passing of the above Act) Saint Paul, Deptford, had a population of 37,834, and a rateable value of 118,290*l.* In 1891 these had increased to 101,286 and 482,829*l.* Saint Paul, Deptford, now constitutes by itself the parliamentary borough of Deptford.

Greenwich has also increased, but not to the same extent. In 1861 it had a population of 40,002, and a rateable value of 134,707*l.* These were, in 1891, 57,240 and 289,716*l.* Saint Nicholas, Deptford, has been stationary, its population having been in 1861, 6,900, and in 1891, 6,887. Greenwich and Saint Nicholas, Deptford, together constitute the parliamentary borough of Greenwich.

The object of this Bill is to provide for the separation of Saint Paul, Deptford, from the Greenwich District.

The Bill is promoted by the Saint Paul Deptford Vestry, with the support of the Greenwich District Board of Works.

A

B I L L

TO

Amend the Metropolis Management Act, 1855.

A.D. 1894.

WHEREAS since the date of the Metropolis Management Act, 1855 (herein-after called "the principal Act"), the parish of Saint Paul, Deptford, which is now one of three parishes constituting the Greenwich District, has greatly increased in the number of inhabited houses, in population, and in rateable value, so as to entitle the said parish to a more complete control and management of its local affairs; and it is therefore expedient to amend the principal Act and make provision with reference to the said parishes as herein-after contained:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Interpretation.

1. In this Act—

"The Saint Paul Deptford Vestry" means the vestry of the parish of Saint Paul, Deptford.

"The present Greenwich District Board" means the board of works for the Greenwich District as constituted by the principal Act.

And "the Greenwich District Board" means the board of works for the Greenwich District, as it will be constituted after the *twenty-fifth day of March one thousand eight hundred and ninety-five.*

Construction.

2. The principal Act as amended by any subsequent Acts and this Act shall be construed together as one Act.

Separation of St. Paul, Deptford, from the Greenwich District.

3. From and after the *twenty-fifth day of March one thousand eight hundred and ninety-five*—

(1.) The parish of St. Paul, Deptford, shall cease to be united with the parishes mentioned in Schedule "B" of the principal Act as forming the present Greenwich District.

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(2.) The principal Act shall be read and have effect as if the said parish of Saint Paul, Deptford, had been named in Part II. of Schedule "A" of the said Act, and the vestry of the said parish shall become and be a body corporate by the name of the vestry of the parish of Saint Paul, Deptford.

(3.) The parishes named in the said Schedule "B" (other than the parish of Saint Paul, Deptford) as forming the present Greenwich District shall form the Greenwich District, and the board of works for the Greenwich District shall continue to be a body corporate by the name of the board of works for the Greenwich District.

(4.) No person elected a member of the present Greenwich District Board by the Saint Paul Deptford Vestry shall remain a member of the Greenwich District Board, and the power of the said vestry to elect any member of such district board shall cease as from that date.

Byelaws, &c., in Saint Paul, Deptford.

4. All byelaws and regulations made by the present Greenwich District Board, and subsisting on the *twenty-fifth day of March one thousand eight hundred and ninety-five*, shall continue in force in the parish of Saint Paul, Deptford, and be enforceable in that parish by the Saint Paul Deptford Vestry instead of by the present Greenwich District Board until repealed or altered by the Saint Paul Deptford Vestry in accordance with the law applicable thereto.

Property, claims, &c. of Greenwich District board apportioned.

5. From and after the said *twenty-fifth day of March one thousand eight hundred and ninety-five*—

(1.) All hereditaments, furniture, and fittings belonging to the present Greenwich District Board situate within the parish of Saint Paul, Deptford, and all chattels belonging to the present Greenwich District Board used solely for the purposes of the parish of Saint Paul, Deptford, shall vest in and become the property of the Saint Paul Deptford Vestry.

(2.) The property then belonging to the present Greenwich District Board, and not already described in this section, shall remain and be the property of the Greenwich District Board.

(3.) All sums due by the present Greenwich District Board to the London County Council and to other creditors (not being superannuation allowances) shall in each case, with the consent in writing of the London County Council or other creditors, be apportioned between the Greenwich District Board and the Saint Paul Deptford Vestry on the basis of the vestry becoming

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liable for all sums due in respect of their parish and of the Greenwich District Board remaining liable for all sums due in respect of the other parishes in the present Greenwich District; such apportionment shall be carried into effect by deed, and until such apportionment all such sums shall remain and be a debt of the present Greenwich District Board as constituted by the principal Act to the London County Council and other creditors; and any moneys payable by the said present Greenwich District Board in respect thereof shall, notwithstanding anything in this Act contained, be levied and paid until such apportionment in all respects as if this Act had not been passed.

(4.) The sums due by the present Greenwich District Board to the London County Council and other creditors and apportioned to the Greenwich District Board shall be a debt of the Greenwich District Board to the London County Council and other creditors, and the Saint Paul Deptford Vestry shall not be liable to pay the same or any part thereof, and no security therefor shall operate against the said vestry or any property of the said vestry or rates leviable in the parish of Saint Paul, Deptford.

(5.) The sums due by the present Greenwich District Board to the London County Council and other creditors and apportioned to the Saint Paul Deptford Vestry shall be a debt of the Saint Paul Deptford Vestry to the London County Council and other creditors, and the Greenwich District Board shall not be liable to pay the same or any part thereof, and no security therefor shall operate against the Greenwich District Board or any property of the said Greenwich District Board or rates leviable in any of the parishes within the Greenwich District.

(6.) The Saint Paul Deptford Vestry shall become liable to forthwith pay to the Greenwich District Board the amount of all outstanding accounts and all expenses incurred for work undertaken or done by the said board solely for or within the parish of Saint Paul, Deptford, and a proportion of the general establishment charges and expenses of the present Greenwich District Board, up to the said *twenty-fifth day of March one thousand eight hundred and ninety-five*, based upon the rateable value of the property comprised in the said parish and in the other parts

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of the said district according to the valuation list then in force, and the present Greenwich District Board shall become and be liable to forthwith pay to the vestry all unexpended moneys raised from or on account of the parish of Saint Paul, Deptford, and then in the hands of the present Greenwich District Board, and from time to time thereafter the present Greenwich District Board, or the Greenwich District Board, as the case may be, shall pay to the said vestry any moneys so raised as and when the same shall come to their hands. The Greenwich District Board shall also make to the Saint Paul Deptford Vestry a fair payment in consideration of the amount contributed by the Parish of Saint Paul, Deptford, towards the expense of building and furnishing the offices of the present Greenwich District Board, which offices will belong to the Greenwich District Board.

(7.) Superannuation allowances heretofore payable or granted or to become payable or granted by the present Greenwich District Board prior to the said *twenty-fifth day of March one thousand eight hundred and ninety-five* under the Superannuation (Metropolis) Act, 1866, to any past or present officers of the said district board shall be apportioned between the Greenwich District Board and the Saint Paul Deptford Vestry under this Act on the basis of the Saint Paul Deptford Vestry becoming liable for the whole of such allowances in respect of such officers whose duties when in the service of the present Greenwich District Board were confined solely to the Parish of Saint Paul, Deptford, and of the Saint Paul Deptford Vestry becoming liable (subject to the proviso herein contained) for part of such allowances in respect of any other of such officers. The proportion of the said allowances in the case of such other officers to be borne by the Saint Paul Deptford Vestry and the Greenwich District Board shall be based upon the rateable value of the property comprised in the said parish and the Greenwich District respectively, according to the valuation list then in force, and the allowances and parts thereof to be borne by the Saint Paul Deptford Vestry under this Act shall be from time to time paid by the Saint Paul Deptford Vestry to the Greenwich District Board, and shall constitute and remain a liability of the Saint Paul Deptford Vestry, and such allowances shall continue to be paid to such officers by the Greenwich District Board, and such apportionment shall be carried into effect by deed : Provided that no part

29 & 30 Vict. c. 31.

of the allowance to any such officer whose duties were confined solely to the parishes to be constituted the Greenwich District shall be borne by the Saint Paul Deptford Vestry.

As to transfer of officers of Greenwich District Board.

6. Any officer, servant, or workman in the service of the present Greenwich District Board whose duties are confined solely to the parish of Saint Paul, Deptford, separate therefrom under this Act or anyofficer who the said district board at any time previously to the said *twenty-fifth day of March one thousand eight hundred and ninety-five* shall by resolution declare ought fairly to be transferred to the service of the said Saint Paul Deptford Vestry shall be transferred to the service of the said vestry upon the terms and conditions in each case of his appointment under the said district board, and with respect to every such officer, or to any other officer of the present Greenwich District Board who shall within one year from the said day be appointed by the Saint Paul Deptford Vestry to an office in the service of the Saint Paul Deptford Vestry the time during which he shall have been in the service of the present Greenwich District Board shall, in computing the time of his service for the purpose of superannuation under the Superannuation (Metropolis) Act, 1866, be added to the time during which he shall have been in the service of the Saint Paul Deptford Vestry; provided that every such resolution for transfer shall state the grounds on which the present Greenwich District Board considers that the officer named therein ought fairly to be transferred to the service of the Saint Paul Deptford Vestry, and shall not be operative until the consent in writing of such officer shall have been obtained.

Arbitration in case of difference between the Greenwich District Board and Saint Paul Deptford Vestry.

7. If any dispute or difference arise between the present Greenwich District Board, the Greenwich District Board, and the Saint Paul Deptford Vestry, or any of them, as to the amount of any payment or the apportionment of any property, claim, demand, debt, allowance, or liability under this Act, or as to any question arising between them under or in consequence of this Act, the same shall be referred for determination to an arbitrator, to be appointed by one of Her Majesty's Principal Secretaries of State, on the application of the said district board and vestry, or either of them, and any person so appointed as arbitrator shall have power to give such directions as he may think expedient.

Effect of award and expenses of arbitration.

8. The payments, property, claims, demands, debts, allowances, and liabilities mentioned in any award under the preceding section of this Act shall, by virtue of such award, be paid, transferred, and vest in accordance with the same, and any such award shall be final

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and conclusive; and there shall be paid to any such arbitrator by the Saint Paul Deptford Vestry, and the Greenwich District Board, in such proportions as the arbitrator shall by his award direct, any expenses incurred by him or under his directions in relation to any arbitration or award made by him under this Act, and any inquiry or inquiries relative thereto, including the expenses of any witnesses summoned by any such arbitrator, which expenses shall be certified by him and a sum to be fixed by such Secretary of State for the services of such arbitrator.

Continuance of powers, actions, and proceedings.

9. All Acts conferring powers upon the present Greenwich District Board within its district or any part of its district shall be read and construed as applicable and enforceable from and after the *twenty-fifth day of March one thousand eight hundred and ninety-five* by the Saint Paul Deptford Vestry, within its parish and by the Greenwich District Board within the Greenwich District; and any action, suit, or other proceeding pending by or against the said District Board on the twenty-fifth day of March may, after that date, be continued by or against the Saint Paul Deptford Vestry or the Greenwich District Board, as may be agreed between the parties interested, and in default of agreement may be continued and proceeded with, notwithstanding anything in this Act contained, by or against the Greenwich District Board. Provided that any question which may arise between the said Vestry and District Board as to the ultimate apportionment of any moneys, costs, expenses, or liabilities, the subject of any such action, suit, or proceeding shall be determined by an arbitrator appointed as hereinbefore provided.

Existing board's officers.

10.—(1.) Every person who at the *passing of this Act* is an officer of the said Greenwich District Board, and who after the *twenty-fifth day of March one thousand eight hundred and ninety-five* continues in the service of the Greenwich District Board or the said vestry as an officer thereof, shall, in computing the time of his service for the purposes of the Superannuation (Metropolis) Act, 1866, be deemed to have served continuously from the time of the commencement of his service with the Greenwich District Board.

(2.) Every such officer who in consequence of this Act suffers any pecuniary loss by abolition of office or by diminution or loss of salary, fees, or emoluments, shall be entitled to have pecuniary compensation for such pecuniary loss paid to him by the Saint

Paul Deptford Vestry or the Greenwich District Board, or one of them.

(3.) The amount of compensation to be paid to any such officer, and the vestry or board by, or the proportions in which it shall be paid by both, shall, in case of difference, be determined by an arbitrator to be appointed by one of Her Majesty's Principal Secretaries of State on the application of the vestry or such officer, and the amount of the award shall be final.

11. The provisions of section one hundred and eighty of the Public Health Act, 1875 (regulations as to arbitration), shall so far as applicable and subject to the provisions of this Act apply to any arbitration under this Act. 38 & 39 Vict. c. 55.

12. The expenses of and relating to the passing of this Act shall be defrayed by the Saint Paul Deptford Vestry. Expenses of Act.

13. This Act may be cited for all purposes as the Metropolis Management (Saint Paul, Deptford) Act, 1894. Short title.

Metropolis Local Management (Saint Paul, Deptford).

A

B I L L

To amend the Metropolis Management Act, 1855.

(*Prepared and brought in by Mr. Darling, Mr. James Stuart, Mr. Boord, Mr. Benn, Mr. Pickersgill, and Colonel Hughes.*)

Ordered, by The House of Commons, *to be Printed*, 3 *May* 1894.

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[Bill 219.]

A

BILL

TO

Confirm a Provisional Order made by one of Her Majesty's Principal Secretaries of State under the Metropolitan Police Act, 1886, relating to lands in the Parishes of St. Pancras and St. Giles, Camberwell. A.D. 1894.

WHEREAS the Right Honourable Herbert Henry Asquith, one of Her Majesty's Principal Secretaries of State, has made the Provisional Order set out in the schedule hereunto annexed, under the Metropolitan Police Act, 1886: 49 Vict. c. 22.

And whereas it is requisite that the said Order should be confirmed by Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The Order set out in the schedule hereunto annexed is hereby confirmed. Order in schedule confirmed.

2. This Act may be cited as the Metropolitan Police Provisional Order Confirmation Act, 1894. Short title.

A.D. 1894.

SCHEDULE.

Order made by the Secretary of State under the Metropolitan Police Act, 1886.

To the Receiver for the Metropolitan Police District, and all whom it may concern.

WHEREAS power is given to me by the Metropolitan Police Act, 1886, on the petition of the Receiver for the Metropolitan Police District, to make an order authorising him to put in force, with reference to land required for police stations, offices, and buildings, the powers of the Lands Clauses Consolidation Acts with respect to the purchase and taking of land otherwise than by agreement:

And whereas, as required by section 4, sub-section 3, of the said Act, the Receiver has presented to me a petition describing certain lands which he proposes to purchase, viz., the lands described in the schedule hereunto annexed, and stating the purposes for which such lands are required, and stating also the names (as inserted in the said schedule) of the owners and lessees, or reputed owners and lessees, and occupiers of the said lands who have respectively assented, dissented, or are neuter in the respect of the taking of the said lands, and praying for an order authorising him with reference to the said lands, to put in force the powers of the Lands Clauses Consolidation Acts with respect to the purchase and taking of land otherwise than by agreement:

And whereas I have considered such petition and the proof submitted to me of the publication of the proper advertisements and of the service of the proper notices required by section 4, sub-section 2, of the said Act:

I hereby, in pursuance of the power conferred on me by the said Act, do authorise the said Receiver to put in force with reference to the said lands, viz., the lands described in the schedule hereto annexed, the powers of the Lands Clauses Consolidation Acts with respect to the purchase and taking of land otherwise than by agreement.

Provided that nothing herein contained shall authorise the said Receiver to take, use, or in any manner interfere with any land or hereditaments, or any rights of whatever description, belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Woods, without the consent in writing of the same Commissioners, or one of them, on behalf of Her Majesty first had and obtained for that purpose, neither shall anything herein contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, Her heirs or successors.

Given under my hand this eighth day of March one thousand eight hundred and ninety-four.

H. H. ASQUITH,
One of Her Majesty's Principal
Secretaries of State.

The SCHEDULE referred to in the foregoing Petition.

A.D 1894.

County.	Parish.	Description of Lands.	Owner or Reputed Owner.	Lessee or Reputed Lessee.	Occupier.	Purpose for which Land is required.
		FIRST PART.				
London	St. Pancras	A piece of land, containing 6,400 square feet or thereabouts, bounded on the north by No. 74, Little Albany Street, and No. 46, Clarence Gardens, on the east by Clarence Gardens, on the south by No. 60, Little Albany Street, and No. 53, Clarence Gardens, and on the west by Little Albany Street; together with the 12 messuages and premises erected thereon, known as Nos. 62, 64, 66, 68, 70, and 72, Little Albany Street, and Nos. 47, 48, 49, 50, 51, and 52, Clarence Gardens.	Her Majesty, the Queen, in right of Her Crown.	Louisa Etheridge; Jonathan Powell; George Horatio Brand; Julia Roberts; Jessie Logie; Thomas Carwardine.	Michael Henry Hughes; Joseph Beakhurst; Thomas Conns; Sarah Cumley; William Dunkley; Bridget Curley.	Providing a section house for the accommodation of members of the Metropolitan Police force, and for improving and enlarging the police station known as the Albany Street Police Station, and for providing stabling.
		A piece of land containing 1,476 square feet or thereabouts, bounded on the north by No. 108, Albany Street, on the east by Little Albany Street, on the south by the Albany Street Police Station, and on the west by Albany Street; together with the messuage and premises erected thereon, known as No. 106, Albany Street.	Ditto -	Solomon Willott; John Eustace Duncan; C. C. Copp; R. T. Hunter.	Elizabeth Pickles; Charles Smith; John Overton; Harriett West.	—
		A piece of land containing 2,974 square feet or thereabouts, bounded on the north by the Albany Street Police Station, on the east by Little Albany Street, on the south by No. 98, Albany Street, and on the west by Albany Street; together with the messuages and premises erected thereon, known as Nos. 100 and 102, Albany Street.	Ditto -	K. M. Clay; H. R. Clarke; George Thomas; H. S. Tarring; Charles Inwards; Alfred Healey; William Handford.	George Garrett; Alfred Mann; James Jenkins; Frederick Taylor; Lydia Perry; Eliza Beales; John Corley; William Seager; Henry Charles Cobden; Julia Roberts; Elizabeth Bendell; Paul David; Caroline Slade; John Buckle; Christopher Hill; Samuel Phillips; Charles Inwards; William Handford.	—

A.D. 1894.

County.	Parish.	Description of Lands.	Owner or Reputed Owner.	Lessee or Reputed Lessee.	Occupier.	Purpose for which Land is required.
		SECOND PART.				
London	St. Giles, Camberwell.	A piece of land containing a superficial area of 24,260 square feet or thereabouts, bounded on the north in part by Church Street, in part by No. 22, Church Street, and in other part by premises in the tenure or occupation of Mr. G. J. Soper, on the east in part by No. 22, Church Street, in part by Nos. 6, 7, and 8, Wilby Road, and premises in the tenure or occupation of Mr. G. J. Soper, in part by Wilby Road, and in other part by land in the tenure or occupation of Mr. Paine, and used as a wheelwright's yard, and on the south, in part by the said wheelwright's yard, in part by No. 5, Wilby Road, and in other part by the gardens of houses in the Daneville Road, and on the west in part by the Camberwell Green Congregational Chapel, in part by Wren Road, in part by No. 10, Wren Road, in part by gardens or yards in the rear of premises in Church Street and Wren Road, and in other part by No. 22, Church Street.	Edwin King; George Hawes; John Spain; Frederick William Curteis; Emily Dresser.	George John Soper; Denison W. Allport; John Dawson; William Edwards; William Edwards, junior; John Joseph Reaveley Humes; Charles Lewis Jones; William Medwin; Robert A. Morris; Evan Spicer.	Job Blayney; George John Soper; Henry Paine.	The erection thereon of a police station and section house for the accommodation of members of the Metropolitan Police force, and for providing access thereto by the acquirement of easements over parts thereof.

Metropolitan Police Provisional Order.

A

B I L L

To confirm a Provisional Order made by one of Her Majesty's Principal Secretaries of State under the Metropolitan Police Act, 1886, relating to lands in the Parishes of St. Pancras and St. Giles, Camberwell.

(*Prepared and brought in by Mr. George Russell, and Mr. Secretary Asquith.*)

Ordered, by The House of Commons, *to be Printed,* 9 *April* 1894.

PRINTED BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

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[*Price* ½*d.*]

[Bill 147.]

A

B I L L

TO

Provide for a system of National Insurance against Accidents in Mines in Scotland. A.D. 1894.

WHEREAS the persons employed in and about mines of coal, mines of stratified ironstone, mines of shale, and mines of fire-clay in Scotland are liable to serious and fatal accidents, by which large numbers of persons or their families are often left without the means of living, except by the aid of the poor rates or by public charity:

And whereas a practice has prevailed among some of the largest companies and proprietors of mines and collieries (being the owners, lessees, and workers thereof, in this Act called the mine owners) in England and their workpeople, of making a provision against such accidents by insurance, effected partly by payments out of wages, and partly by contributions from such mine owners; and such practice has been found extremely beneficial and to tend to encourage habits of providence, and it is expedient to extend the same and to render it obligatory in the case of persons employed in and about the mines aforesaid:

And whereas it is expedient that two boards of management should be appointed as herein-after mentioned, with the necessary powers for accomplishing the objects aforesaid, and that the other provisions herein-after contained should be enacted:

And whereas the objects aforesaid cannot be conveniently and equitably established in Scotland without the authority of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Miners' National Insurance (Scotland) Act, 1894. Short title.

2. This Act shall extend to all persons employed in and about the mines as aforesaid in Scotland, and the relief to be given under Extent of Act.

A.D. 1894.

it to the persons so employed, shall extend to all accidents occurring in the course of such employment whereby a person may be injured and laid off work for any period exceeding a week.

Interpretation.

3. In this Act, unless the context otherwise requires,—

The term "boards of management" means the boards to be appointed for the two mines inspectors' districts in Scotland.

"Joint board" means the two boards met together for the purpose of this Act.

"Lessor" means the superior landlord.

"Mine owner" means the occupier and worker of the mines, being the employer of the workmen.

"Joint fund" means the insurance fund established under this Act, vested in the joint board.

"Half members" means persons under sixteen years of age.

All persons employed to be insured.

4. Every person employed in or about any such mines as aforesaid, shall be insured against death by accident in the course of such employment, and also against disability to work at his ordinary calling arising from accident in the course of such employment, and shall be kept so insured during the continuance of such employment in manner and to the amounts to be determined and agreed upon as herein-after provided for, not being more than the amounts set out in the First Schedule to this Act, and any contract or agreement to the contrary hereof shall be null and void, and after the *passing of this Act* no person shall be employed by any mine owner in or about any such mines as aforesaid in Scotland, unless the person so employed shall be so insured, and kept insured, during the continuance of such employment.

Insurance to provide for weekly allowance to widows and children, &c., and to disabled workmen.

5. In case of death by accident in the course of such employment, the insurance shall provide for a weekly allowance to the widow, children, or other dependent relatives of the deceased, to the widow during life or widowhood, to the children until they attain the age of *fourteen years*, for a payment to other dependent relatives, and, in cases of non-fatal accident arising in the course of such employment, for a weekly allowance during disablement, such allowances and payments not being more than the amounts stated in the said First Schedule to this Act.

Appointment of boards of management.

6. For the purposes of this Act, and the management and administration of the insurance fund to be established under it, a Secretary of State may from time to time appoint, remove, and reappoint fit persons to form a board of management in each of

the two mines inspectors' districts in Scotland, to be constituted as follows, viz. :— A.D. 1894.

(*a.*) Three persons being lessors of mines to which this Act applies, or their agents ;

(*b.*) Three persons being lessees or workers of mines under lease, tack, or agreement ;

(*c.*) Three persons employed in or about such mines, not being owners, agents, or managers of a mine ; and

(*d.*) Her Majesty's Inspector of Mines for the district ;

and the persons so to be appointed shall, during the pleasure of the Secretary of State, form the board for each of such two districts for the purposes of this Act. Each board shall have power to appoint arbitrators to act for their respective districts in the settlement of any dispute under this Act.

Proceedings of boards of management.

7. The proceedings of the board in each district shall be in accordance with the rules contained in the Second Schedule to this Act : Provided that once at least in every year, or so often as occasion shall require, there shall be a joint meeting of the two boards for the purpose of agreeing upon the scale of contributions, subscriptions, payments, and allowances under this Act, the investment, and the varying of the investments for the time being of the insurance fund, the auditing and passing of the accounts, and other matters of the like nature, and the insurance fund to be established and raised under this Act shall be and be deemed one common or joint fund under the management and control of the joint board.

Appointment of assessors.

8. Immediately after the *passing of this Act* and the appointment of the board for each of such two districts, the joint board shall, at a meeting to be held for the purpose, at such place as may be determined upon, appoint three competent persons, to be nominated respectively by each of the three first-named parties aforesaid, as assessors, who shall inquire into and settle the basis of the subscriptions or contributions payable by each of such three first-named parties, to the joint fund established under this Act ; the lessors or owners of mines being assessed upon the quantity of coal raised, and in respect of which they receive royalty, the mine owners being assessed on their annual out-put, and the persons employed in or about such mines paying a weekly contribution, to be deducted out of their wages, such assessments and contributions to be embodied in the special rules herein-after provided for ; and such assessors shall remain in office, unless in case of death, resignation, or incapacity, until the day of 189 ;

A.D. 1894.

and if before that day either of them shall die, resign, or become incapable of acting, his place may be filled up by the joint board if they think fit, and the assessor so appointed shall retain his office until the said day of 189 , and shall have the same powers and perform the same functions as though he had been originally appointed; and when the term "assessors" is used in this Act it includes not only the persons so originally nominated, but their successors appointed as aforesaid. Provided that if it shall not seem necessary to the board to fill up a vacancy among the assessors, the two remaining assessors shall have and exercise all the powers hereby conferred upon the assessors originally appointed, but there shall in no case be fewer than two assessors.

Secretary of State may remove assessor.

9. It shall be lawful for the Secretary of State, if he thinks fit, to remove for inability or misbehaviour any assessor appointed in pursuance of this Act, who shall for ever thereafter be ineligible for re-appointment.

Joint board may re-appoint or discontinue assessors.

10. The joint board may, at their option, after the said day of 189 , re-appoint the said assessors, or other assessors in their stead or not, as occasion may require, or may decide when the basis of subscription or contribution has been fixed under this Act, to dispense with the services of such assessors.

Remuneration of assessors.

11. The assessors to be appointed under this Act shall receive such remuneration as shall be agreed upon between them and the board at such joint meeting as aforesaid.

Assessors to determine upon subscriptions and contributions.

12. The assessors shall with all due despatch after their appointment, determine upon the amount of subscription or contribution payable by each of the three first-named parties respectively, on the basis before named; provided that in cases where landlords work their own minerals they shall be assessed both as landlords and as workers.

Insurance to be subject to reductions, &c.

13. The insurance provided under this Act may lawfully be made, subject, if so agreed, to a rule or condition defeating any claim or reducing the amount of any claim arising out of an accident to the person insured caused by his own wanton or wilful misconduct, or for the stoppage of the allowance for subsequent misconduct, or happening to him while in a state of intoxication, but not to any condition defeating or reducing a claim arising out of an accident caused by negligence or want of care or skill on the part of the employer or his agent, and also to a rule or condition enabling the grant to a disabled member, or to a widow,

of a fixed sum, to be settled by agreement, in discharge of all further claims.

Joint board to draw up scale of contributions, &c.

14. The joint board shall, immediately they receive the report of the assessors, draw up a scale of contributions or subscriptions payable under this Act by each of the three first-named parties, and such contributions and subscriptions shall be embodied in special rules to be approved by a Secretary of State, which rules shall form part of this Act as if enacted herein.

Joint board to give notice of amount of contributions payable.

15. When the assessors have made their report and assessment under this Act, the joint board shall, by notice in writing, signed by the chairman, or vice-chairman, and secretary, and sent by registered post, inform the lessors of mines the amount payable by them respectively to the joint fund, and shall in like manner inform the mine owners of the amount payable by them respectively to such joint fund, and also the amount of contributions payable by the persons employed by such mine owners respectively in and about such mines, to such joint fund, and thereupon such amounts shall be debts due to the joint board.

Mine owner may deduct amount payable by his lessor to the fund from his royalty.

16. Upon receiving such notice as aforesaid of the amount payable by him, it shall be lawful for such mine owner to deduct from the amount of royalty payable to his landlord the amount of his assessment, which amount he shall pay into the joint fund, and in the case of a person working his own mines, he shall pay the amount of the assessment made on him as landlord into the joint fund, and if within *one week* from the receipt of such notice as aforesaid, the amount is not so paid it shall be a debt due and recoverable by the joint board from such lessors or workers of mines, without any proof beyond the production of the notice as aforesaid of such non-payment within the time aforesaid.

Lessee on notice of assessment to pay amount into joint fund and also amount deducted from the persons employed.

17. Upon receiving the like notice of the amount of the assessment made upon him, the mine owner shall pay into the joint fund the amount of such assessment, and if within one week from the receipt of such notice the amount is not so paid, it shall be a debt due and recoverable by the joint board from such mine owner, without any proof beyond the production of the notice signed as aforesaid, of such non-payment within the time aforesaid; and if, after receiving notice of the amount payable by the persons employed by him, such mine owner fails to pay the contributions of the workmen in his employ, deducted from the wages of such workmen, into such joint fund, the amount shall be recoverable against him after notice, as a debt by the joint board.

A.D. 1894.

Contributions and subscriptions to form common fund.

18. The contributions and subscriptions under this Act shall be paid into a common fund in the names of the joint board.

Joint board to agree upon scale of allowances, &c.

19. The joint board shall determine and agree upon the scale of payments and allowances to be made under this Act in cases of death and total disability, and the weekly allowance to be made to persons who are injured in the course of their employment, so as to be laid off work for more than one week, and the allowances and payments to be made to widows, children, and other dependent relatives, and shall settle the conditions and restrictions under which such allowances and payments shall be made. Provided that each board shall have exclusive jurisdiction in deciding upon the claims made in its own district, and in conducting the business in its own district.

Mine owner responsible for keeping up insurance of persons employed.

20. A mine owner shall be responsible for seeing that the payments requisite to keep up the insurance during the continuance of the employment are duly made by the persons in his employment, and such mine owner shall be at liberty from time to time to deduct such payments from any wages due to the persons employed, and such deductions shall be allowed in part discharge of such wages, provided the same are duly applied by the mine owner to the insurance fund established under this Act, and provided that no arrears of such payments exceeding one month's arrears at any one time shall be so deducted as aforesaid.

Mine owner liable in respect of persons not insured.

21. If any person after the *of December,* 189 , shall be employed or continue to be employed by any mine owner in or about any mine as aforesaid, without being so insured as aforesaid, or after he has ceased to be so insured, the mine owner shall be liable to make satisfaction to the person employed, or to his widow or children in case of the disablement or death of the person employed, arising from accident in the course of his employment, in the same manner, and to the same amount, and by the same remedies, as if the person employed had been insured in manner, and against the risks, and to one-half of the extent required by this Act.

Insurance payable not to be attachable for rent, debt, or damages.

22. The insurance or relief payable under this Act to persons injured, or to the widows, children, or other dependent relatives of persons killed in connection with their employment, shall not be attachable for rent, debt, or damages, or be taken into account as mitigating or reducing the amount of damages recoverable against an employer under any present or future Employers' Liability Act.

A.D. 1894.

Investment of joint fund.

23. The joint fund to be raised under and by virtue of this Act shall be invested by the joint board in any of the following securities, viz.:—

Any of the public stocks or funds or Government securities of the United Kingdom, or India, or any colony or dependency of the United Kingdom, or any foreign government or state, or in stock of the Bank of England, or of the Metropolitan Board of Works, or in or upon freehold, copyhold, leasehold, or chattel real securities in England, Wales, or Scotland, or in or upon the bonds, debentures, debenture stock, mortgages, or securities or the guaranteed preference or ordinary stock or shares of any company, or public, municipal, or local body or authority in the United Kingdom, or India, or any colony or dependency of the United Kingdom, or any foreign country, or on the security of rates or tolls made or levied by any such body or authority as aforesaid.

Audit of accounts.

24. The accounts of the joint board shall be audited and certified annually by a public actuary to be appointed for the purpose, who shall make an annual report and calculation, based on the report of the assessors, as to what the assessment shall be on each of the first three-named parties for the ensuing year.

Suspension or reduction of assessment

25. If in any year it shall appear to the joint board on the report of such assessors or actuary that the fund in their hands is in excess of the amount likely to be required for the purposes of the Act, they may reduce in equal proportions the contributions of each class of the contributories or suspend the assessment for any year or years in which the funds in hand shall appear to be more than sufficient for the purposes of the insurance established under this Act.

Mine owner to furnish returns of mineral raised, &c.

26. Every mine owner shall if and whenever required in writing by the joint or district board, furnish a return of the quantity of mineral raised by him during any year, and if called upon so to do by such board, he shall verify such returns by statutory declaration, and shall also from time to time, as and when required by such board so to do, furnish a return of the number of persons employed in and about the mines occupied and worked by him, and at all times give all reasonable and necessary facilities for enabling an assessment to be made for the purposes of this Act.

A.D. 1894.

SCHEDULES.

The FIRST SCHEDULE referred to.

TABLE OF MAXIMUM CONTRIBUTIONS.

By the lessor, on the annual out-put	- - ¼*d.* per ton.
By the lessor (if also the employer)	- - ¼*d.* „
By the mine owner, on the annual out-put	- ¼*d.* „
By persons employed as under:—	
Each full ordinary member, if incurring underground risk	- - - - *2d.* per week.
If incurring surface risk only	- - *1d.* „
Half members, under 16 years of age, half the above sums.	

SCALE OF ALLOWANCES AND PAYMENTS.

For disablement, whereby a workman is laid off work for any period exceeding a week:—

Full members, for the first week	- - *5s.* per week.
And afterwards during disablement	- - *10s.* „
Half members, for the first week	- - *2s. 6d.* „
And afterwards during disablement	- - *5s.* „

	£	s.	d.
Funeral allowance—(married member) - - -	*5*	*0*	*0*
Do. (unmarried member) - -	*20*	*0*	*0*
Do. (half member) - - -	*5*	*0*	*0*

For a widow, during widowhood - - *7s. 6d.* per week.

For children, until they attain 14 years of age, as follows:—

For one child	- - - - *2s. 6d.* per week.
For the second child	- - - *2s. 0d.* „
For the third child, and remaining children (each)	*1s. 6d.* „
Dependent relatives	- - To be fixed by the Board.

The SECOND SCHEDULE referred to.

A.D. 1894.

PROCEEDINGS OF BOARDS.

1. The Board shall meet for the despatch of business, and shall from time to time make such regulations with respect to the summoning notice, place, management, and adjournment of such meetings, and generally with respect to the transactions and management of business including the quorum at meetings of the Boards as they think fit, subject to the following conditions:—

(*a*) An extraordinary meeting may be held at any time on the written requisition of three members of the Board addressed to the chairman.

(*b*) The quorum to be fixed by the Board shall consist of no less than three members.

(*c*) Every question shall be decided by a majority of votes of the members present and voting on that question.

(*d*) The names of the members present as well as of those voting upon each question shall be recorded.

(*e*) No business shall be transacted unless notice in writing of such business has been sent to every member of the Board seven days at least before the meeting.

2. The Board shall from time to time appoint some person to be chairman and one other person to be vice-chairman.

3. If at any meeting the chairman is not present at the time appointed for holding the same, the vice-chairman shall be the chairman of the meeting, and if neither the chairman nor the vice-chairman shall be present, then the members present shall choose some one of their number to be chairman of such meeting.

4. In case of an equality of votes at any meeting, the chairman for the time being of such meeting shall have a second or casting vote.

5. The appointment of arbitrators or assessors may be made by a minute of the joint Board signed by the chairman.

6. The Board shall keep minutes of their proceedings by their secretary, which may be inspected or copied by a Secretary of State or any person authorised by him to inspect or copy the same.

Mining Accidents (Scotland).

A

B I L L

To provide for a system of National Insurance against Accidents in Mines in Scotland.

(*Prepared and brought in by Mr. Baird, Mr. Hozier, Mr. Parker Smith, and Mr. Cochrane.*)

Ordered, by The House of Commons, *to be Printed,* 16 *March* 1894.

PRINTED BY EYRE AND SPOTTISWOODE,
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HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* 1½*d.*]

[Bill 64.]

A

B I L L

TO

Restrict the Hours in Mines to Eight Hours per Day.

A.D. 1894.

WHEREAS it is expedient to limit the hours of work underground of persons employed in mines:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Miners (Hours of Work) Act, 1894.

Limit of eight hours underground.

2. A person shall not, in any one day of twenty-four hours, be employed underground in any mine for a period exceeding *eight hours* from the time of his leaving the surface of the ground to the time of his ascent thereto, except in case of accident.

Penalty for contravention.

3. Any employer, or the agent of any employer, employing or permitting to be employed any person in contravention of this enactment, shall be liable to a penalty not exceeding *forty shillings* for each offence, to be recovered in the same manner in which any penalty under the Acts relating to factories and workshops is recoverable.

Mines (Eight Hours).

A

B I L L

To restrict the Hours in Mines to Eight Hours per Day.

(*Prepared and brought in by Mr. Roby, Mr. Abraham, Mr. John Burns, Lord Randolph Churchill, Mr. Cremer, Sir Charles Dilke, Mr. Jacoby, Mr. Leake, Mr. Pickard, Sir Albert Rollit, Mr. Ernest Spencer, and Mr. Woods.*)

Ordered, by The House of Commons, *to be Printed,* 16 *March* 1894.

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HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 10.]

A

B I L L

TO

Restrict the Hours in Welsh Mines to Eight Hours per Day. A.D. 1894.

WHEREAS it is expedient to limit the hours of work underground of persons employed in mines:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Welsh Miners (Hours of Work) Act, 1894.

Limit of eight hours underground.

2. A person shall not, in any one day of twenty-four hours, be employed underground in any mine for a period exceeding *eight hours* in the case of shafts and pits from the time of his passing outside a radius of one hundred yards from the pit eye or centre of the bottom of the shaft to his return within such radius, and in the case of levels or drifts to the time of his leaving the surface of the ground to the time of his return thereto, except in the event of accident.

Proper facilities for raising the men to be provided.

3. The employer shall in the case of pits and shafts provide proper facilities for raising the workmen to the surface within a reasonable time at the conclusion of such eight hours employment underground.

Double shift prohibited.

4. No coal-getting by double shift shall be permitted in any mine.

Penalty for contravention.

5. Any person contravening this Act, or being a party to such contravention, shall be liable to a penalty not exceeding *forty shillings* for each offence.

6. This Act shall only apply to Wales and the county of Monmouth.

[Bill 218.]

Mines (Eight Hours) (Wales).

A

B I L L

To restrict the Hours in Welsh Mines to Eight Hours per Day.

(*Prepared and brought in by Mr. David Thomas and Mr. Lloyd George.*)

Ordered, by The House of Commons, *to be Printed,* 3 *May* 1894.

PRINTED BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

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90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 218.]

[To be substituted for Bill previously delivered.]

A

B I L L

TO

Amend the Law relating to the Costs allowed to Mortgagees. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title.

1. This Act may be cited as the Mortgagees Legal Costs Act, 1894.

Charges, &c. where mortgage is made with solicitor.

2.—(1.) Any solicitor or solicitors to whom either alone or jointly with any other person or persons a mortgage is made, or the firm of which such solicitor or solicitors shall be a member or members, shall be entitled to receive for all business transacted and acts done by such solicitor, solicitors, or firm in negotiating the loan, deducing and investigating the title to the property and preparing and completing the mortgage, all such usual professional charges and remuneration as he or they would have been entitled to receive if such mortgage had been made to a person not a solicitor, and such person had retained and employed such solicitor, solicitors, or firm to transact such business, and do such acts; and such charges and remuneration shall accordingly be recoverable from the person or persons making such mortgage.

(2.) This section applies only to mortgages made after the *commencement of this Act.*

3.—(1.) Any solicitor or solicitors to or in whom either alone or jointly with any other person or persons any mortgage shall be made or shall be vested by transfer or transmission, or the firm of which such solicitor or solicitors shall be a member or members, shall be entitled to receive and recover from the person on whose behalf the same shall be done or to charge against the security for all business transacted and acts done by such solicitor, solicitors, or firm subsequent and in relation to such mortgage or to the security

A.D. 1894.

thereby created or the property therein comprised, all such usual professional charges and remuneration as he or they would have been entitled to receive if such mortgage had been made to and had remained vested in a person not a solicitor, and such person had retained and employed such solicitor, solicitors, or firm to transact such business and do such acts, and accordingly no such mortgage shall be redeemed except upon payment of such charges and remuneration.

(2.) This section applies to mortgages made and business transacted and acts done either before or after the *commencement of this Act*.

Definition of mortgage.

4. In this Act mortgage includes any charge on any property for securing money or money's worth.

Extent of Act.

5. This Act shall not extend to Scotland.

[*To be substituted for Bill previously delivered.*]

Mortgagees Costs.

A

B I L L

To amend the Law relating to the Costs allowed to Mortgagees.

(*Prepared and brought in by Mr. Neville, Mr. Cozens-Hardy, and Mr. Warmington.*)

Ordered, by The House of Commons, *to be Printed,* 18 *July* 1894.

PRINTED BY EYRE AND SPOTTISWOODE,
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JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and 90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 319.]

Movable Dwellings Bill.

MEMORANDUM.

The object of this Bill is to apply to dwellers in tents and vans, so far as may be practicable, such legislative provisions—sanitary and educational—as are already in force with regard to persons living in more permanent dwellings.

Movable dwellings at present are not reached by the sanitary laws, and are beyond the control of the Local Government Board, while thousands of children inhabiting them are growing up without education, the Education Acts having no application to their circumstances.

It is proposed by this Bill—

(1.) To institute the registration of these dwellings, as has already been done with good results with respect to canal boats, lodging-houses, houses let in flats, and homes in workshops;

(2.) To empower the Local Government Boar d to make the necessary regulations to prevent in movable dwellings (*a*) the spread of infectious diseases, (*b*) overcrowding, and (*c*) the improper mixing of the sexes; and further, to give to local authorities, with the sanction and help of the Local Government Board and the Education Departments, power to appoint officers, other than police officers, to enforce the provisions of this Act; and

(3.) To give to the Education Departments power to make bye-laws for children living in movable dwellings; such children, as a rule, being in settled quarters during several months in the winter.

Movable Dwellings Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Registration of movable dwellings.
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SCHEDULE.

[Bill 298.]

A

B I L L

TO

Provide for the Regulation of Vans, Vehicles, and Tents used as Dwellings. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Registration of movable dwellings.

1.—(1.) After the commencement of this Act a movable dwelling shall not be used as a place of abode unless it has been registered in accordance with this Act.

(2.) The owner of a movable dwelling may apply to a county authority for the registration of such dwelling, and unless the county authority, after inspection of the dwelling by their officer, is of opinion that it is unfit for human habitation, the dwelling shall be registered, but such registration shall not be in force after *three years* from the date thereof.

(3.) If a movable dwelling which is not for the time being registered in pursuance of this Act is used as a place of abode, the occupier thereof shall be liable, on summary conviction, to a fine not exceeding *twenty shillings* for each day on which the movable dwelling is so used.

Regulations by Local Government Board as to registration.

2. The Local Government Board may from time to time make, revoke, and vary regulations respecting the registration of movable dwellings, and the grant of certificates of registration, the fees in connexion with such registration (not exceeding *five shillings* for each registration), and the marking of movable dwellings, and may impose penalties, not exceeding *forty shillings*, to be recovered summarily, for the breach of any such regulations.

Execution of Act by county authority.

3.—(1.) Every county authority shall carry this Act into execution, and may appoint officers for the purpose.

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(2.) Every county authority shall in *January* of every year report to the Local Government Board their proceedings under this Act during the previous year.

Certificate of registry.

4. The county authority shall give to a person registering a movable dwelling a certificate of registration, which shall be kept by the occupier of the dwelling, and any officer of such authority may require the occupier to produce the certificate, and to allow him to examine and copy the same, and if the occupier refuses to comply with such requisition he shall be liable on summary conviction to a fine not exceeding *forty shillings.*

Prevention of nuisances in movable dwellings.

5.—(1.) If a movable dwelling used as a place of abode is in such a state as to be a nuisance or injurious to health, or is so overcrowded as to be dangerous or injurious to the health of the inmates, whether or not members of the same family, or is used as a sleeping place by persons of both sexes above the age of *twelve years* without proper provision for the separation of the sexes, the occupier of such dwelling shall be liable on summary conviction to a fine not exceeding *forty shillings.*

(2.) If it is made to appear to any justice of the peace by any county or sanitary authority, or by an officer of any such authority, that a movable dwelling used as a place of abode is in such a state as to be a nuisance or injurious to health, and that it is a matter of urgency for the health of the neighbourhood that steps should be taken to abate the nuisance, or to prevent such dwelling being injurious to health, such justice may authorise the authority or officer to take such steps accordingly.

(3.) Any person obstructing the taking of such steps shall be liable on summary conviction to a fine not exceeding *five pounds.*

Power of sanitary authority for prevention of infectious disease in movable dwellings.

6.—(1.) Where any sanitary authority within whose district a movable dwelling is for the time being situate is informed that a person using the movable dwelling as a place of abode is suffering from an infectious disorder, the authority shall cause such steps to be taken as may by the certificate of their medical officer of health, or of any other legally qualified medical practitioner, appear requisite for preventing the said disorder from spreading, and for that purpose may exercise the power of removing a person suffering as aforesaid and all other powers in relation to provisions against infection conferred by the Public Health Acts, as if the dwelling were a house, and may also, if need be, remove to another part of the district the movable dwelling, and any other movable dwelling which is near thereto, and, whether so removed or not, detain any such dwelling for a time not longer than is necessary for the

38 & 39 Vict. c. 55.

cleansing and disinfecting thereof, or otherwise for preventing the said disorder from spreading. A.D. 1894.

(2.) The occupier of the dwelling and every person connected therewith shall comply with such directions as may be given by the said authority for the purposes of this section, and if he fails to comply with such directions, or disobeys any order for the detention of the dwelling, or obstructs the sanitary authority or their officer in acting under this section, he shall be liable on summary conviction to a fine not exceeding *five pounds*.

(3.) A sanitary authority may exercise their powers under this section by any committee or member authorised either generally or specially in that behalf.

Power of entry.

7.—(1.) Where any officer of a county or sanitary authority has reasonable cause to suppose that a movable dwelling is being used in contravention of this Act, or that there is in any such dwelling a person suffering from an infectious disorder, such officer may, between *nine o'clock* in the morning and the succeeding *six o'clock* in the evening, enter such movable dwelling and examine the same and every part thereof in order to ascertain whether there is any contravention of this Act therein, or any person therein suffering from an infectious disorder.

(2.) If admission to a movable dwelling is refused to any officer authorised by or in pursuance of this section to enter the same, or if any such officer is otherwise obstructed in the performance of his duty under this section, the person so refusing admission or obstructing shall be liable on summary conviction to a fine not exceeding *five pounds*.

Education of children using movable dwellings.

8. A child using as a place of abode a movable dwelling shall, for the purposes of the Education Acts, be deemed to be resident within the school district in which such movable dwelling is for the time being situate, and shall be subject to the jurisdiction of the school authority for such district in the same manner as children permanently resident therein, subject to the following provisions:—

(*a*.) The byelaws set forth in the schedule to this Act shall extend to the child and his parent in substitution for the byelaws made by the school authority under the Education Acts, and as if they were those byelaws, and the fine imposed by the byelaws may be recovered accordingly;

(*b*.) A copy of the byelaws in the schedule to this Act shall be given by the county authority to the owner of every movable

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dwelling upon his registering the same in pursuance of this Act;

(*c.*) The sanitary authority, within whose district the movable dwelling used as an abode by the child is for the time being situate, shall assist the school authority in carrying out the objects of this Act by giving information and otherwise, and for this purpose shall report to the school authority every infraction in the case of the child either of the Education Acts, or of the byelaws, which may come to the knowledge of the sanitary authority;

(*d.*) The power to make byelaws given by this Act to the Education Departments shall include power to make regulations with respect to the use and form of certificates or pass books as to attendance at school to be used by children living in movable dwellings.

Expenses and receipts of county and sanitary authority.

9.—(1.) All expenses of a county authority under this Act shall be general expenses of such authority, and all receipts of a county authority under this Act shall be applied in aid of the said expenses.

(2.) All expenses of a sanitary authority under this Act shall be general expenses of such authority in the execution of the Public Health Acts.

Prosecution of offences.

10. Any offence under this Act may be prosecuted and a fine under this Act recovered before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts, either in the place where the offence was committed or in the place where the offender for the time being is.

Movable dwelling to which Act applies.

11. This Act shall apply to the following movable dwellings, that is to say, to any van, cart, carriage, waggon, vehicle, or tent which is used for the purpose of an abode.

Provided that nothing in this Act shall apply to—

(*a*) any movable dwelling as above defined used by shepherds, labourers, or other persons for farming or agricultural purposes, or for purposes connected with the management of an estate; or

(*b*) any movable dwelling as above defined used for any portion of Her Majesty's naval or military forces.

In this Act the expression "occupier" in relation to a movable dwelling means the person occupying or having for the time being control or charge of a movable dwelling.

Definitions.

12.—(1.) In this Act unless the context otherwise requires—

The expression "county authority" means a county council, including the council of a county borough; and

A.D. 1894.

(2.) The expression "sanitary authority" means—

(*a.*) as respects the city of London, the Commissioners of Sewers;

(*b.*) as respects each of the parishes mentioned in Schedule (A.) to the Metropolis Management Act, 1855, as amended by the Metropolis Management (Amendment Act, 1885, and the Metropolis Management (Battersea and Westminster) Act, 1887, other than Woolwich, the vestry of the parish; 18 & 19 Vict. c. 120. 48 & 49 Vict. c. 33. 50 & 51 Vict. c. 17.

(*c.*) as respects each of the districts mentioned in Schedule (B.) to the same Act, as so amended, the district board for the district;

(*d.*) as respects the parish of Woolwich, the local board of health;

(*e.*) elsewhere in England an urban or rural sanitary authority within the meaning of the Public Health Acts;

The expression "school authority" means the school board or other authority having power to make byelaws respecting the attendance of children at school;

The expression "Public Health Acts" as respects London means the Acts relating to public health in London;

The expression "child" means a child of the age of five and under the age of thirteen years;

The expression "Education Acts" mean the Elementary Education Acts, 1870, 1873, 1876, 1880, and 1891; 33 & 34 Vict. c. 75. 36 & 37 Vict. c. 86. 39 & 40 Vict. c. 79. 43 & 44 Vict. c. 23.

The expression "district" in relation to any sanitary authority means the area under the management of that authority;

The expression "officer" means any officer other than a police officer.

Application of Act to Scotland.

13. In the application of this Act to Scotland—

(*a.*) The expression "county authority" means the commissioners of supply and the magistrates of any royal burgh or burgh returning or contributing to return a member to Parliament;

(*b.*) The expression "sanitary authority" means a local authority within the meaning of the Public Health (Scotland) Act, 1867, and the Acts amending the same; 30 & 31 Vict. c. 101.

(*c.*) The Secretary for Scotland shall be substituted for the local Government Board;

(*d.*) The expression "court of summary jurisdiction" includes the sheriff or sheriff substitute;

(*e.*) The expression "child" means a child of the age of five and under the age of fourteen years;

A.D. 1894.

(*f.*) The expression "Education Acts" means the Education (Scotland) Acts, 1872 to 1883;

35 & 36 Vict. c. 62. 46 & 47 Vict. c. 56.

(*g.*) The expression "Summary Jurisdiction Acts" means the Summary Jurisdiction (Scotland) Acts, 1864 and 1881.

27 & 28 Vict. c. 53. 44 & 45 Vict. c. 33.

Application of Act to Ireland.

14. In the application of this Act to Ireland—

(*a.*) The expression "county authority" and also the expression "sanitary authority" means a sanitary authority within the meaning of the Public Health (Ireland) Act, 1878;

(*b.*) The Local Government Board for Ireland shall be substituted for the Local Government Board;

41 & 42 Vict. c. 52.

(*c.*) Any reference to the Public Health Acts shall be construed to refer to the Public Health (Ireland) Act, 1878;

(*d.*) A court of summary jurisdiction shall be constituted of two or more justices of the peace in petty sessions sitting at a place appointed for holding petty sessions, or of some magistrate or officer for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace and sitting at some court or other place appointed for the administration of justice;

(*e.*) The expression "Summary Jurisdiction Acts" means, as respects the Dublin Metropolitan Police district, the Acts regulating the powers and duties of justices of the peace and police of that district, and elsewhere in Ireland means the Petty Sessions (Ireland) Act, 1851, and the Acts amending the same;

14 & 15 Vict. c. 93.

(*f.*) The provisions of this Act with respect to children and bye-laws shall not apply to Ireland.

Repeal of s. 9 of 48 & 49 Vict. c. 72.

15. Section nine of the Housing of the Working Classes Act, 1885, is hereby repealed as from the commencement of this Act.

Commencement of Act.

16. This Act shall come into operation on the *first day of January, one thousand eight hundred and ninety-five*, which day is in this Act referred to as the commencement of this Act.

Short title.

17. This Act may be cited as the Movable Dwellings Act, 1894.

SCHEDULE.

A.D. 1894.

BYELAWS RELATING TO THE EDUCATION OF CHILDREN RESIDING IN MOVABLE DWELLINGS.

Definitions.

1. In these byelaws the term "parent" includes guardian, and every person who is liable to maintain or has the actual custody of any child: the term "school" means a certified efficient school within the meaning of the Elementary Education Acts, 1870, 1873, 1876, 1880, and 1891.

Children to attend school.

2. The parent of every child of not less than five nor more than thirteen years of age, using as a place of abode any movable dwelling registered in pursuance of the Movable Dwellings Act, 1895, shall cause such child to attend school, unless there be a reasonable excuse for non-attendance.

Reasonable excuses.

Either of the following reasons shall be a reasonable excuse, namely:—

(*a*) that the child is under efficient instruction in some other manner;

(*b*) that the child has been prevented from attending school by sickness or any unavoidable cause.

Times of attendance.

3. The time during which every such child shall attend school shall be the whole time for which the school selected shall be open for the instruction of children of similar age, including the day fixed by Her Majesty's inspector for his annual visit.

Proviso as to Religion and Labour Acts.

4. Provided always, that nothing in these byelaws—

(*a*) shall prevent the withdrawal of any such child from any religious observance or instruction in religious subjects;

(*b*) shall require any such child to attend school on any day exclusively set apart for religious observance by the religious body to which its parent belongs; or

(*c*) shall have any force or effect in so far as it may be contrary to anything contained in any Act for regulating the education of children employed in labour.

Proviso as to standard for exemption.

5. And provided always, that any such child between ten and thirteen years of age shall not be required to attend school if such child has received a certificate from one of Her Majesty's inspectors of schools that it has reached the Fourth Standard prescribed by the Code of 1876.

Penalty.

6. Every parent who fails to observe, or contravenes these byelaws, or any of them, shall, upon summary conviction, be liable to a fine not exceeding, with the costs, *five shillings* for each offence.

Note.—Where these byelaws extend to Scotland, the Education (Scotland) Acts, 1872 to 1883, must be substituted for the reference to the English Acts in byelaw one, and "fourteen" must be substituted for "thirteen" in byelaws two and five.

Movable Dwellings.

A

B I L L

To provide for the Regulation of Vans, Vehicles, and Tents used as Dwellings.

(*Prepared and brought in by*
Mr. Matthew Fowler, Mr. John Wilson,
Mr. Charles Fenwick, Sir Charles Cameron,
Mr. James Campbell, Sir Richard Webster,
Mr. S. Storey, Sir Stafford Northcote,
Sir John Kennaway, and Mr. B. Rickard.)

Ordered, by The House of Commons, *to be Printed,*
26 *June* 1894.

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[*Price* 1½*d.*]

[Bill 298.]

A

BILL

TO

Amend the Law relating to Municipal Franchise in Ireland.

A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title of Act.

1. This Act may be cited for all purposes as the Municipal Franchise Amendment (Ireland) Act, 1894.

Interpretation.

3 & 4 Vict. c. 108.

2. In this Act the words "municipal borough" shall mean any borough named in the Schedule (A.) to the Municipal Corporation (Ireland) Act, 1840 (herein-after referred to as "the said Act"), or any town or borough to which, pursuant to the fourteenth section of the said Act, a charter of incorporation has been or shall be granted; and the word "mayor" as to the city of Dublin shall mean "lord mayor;" the expression "Parliamentary Registration (Ireland) Acts" means the enactments for the time being in force in Ireland relating to the registration of persons entitled to vote at parliamentary elections; and the expressions "clerk of the union" and "rate collectors" shall in the city of Dublin include the collector-general of rates.

Qualification for municipal franchise.

3.—(1.) Every person who on the *twentieth day of July* in any year is, and during the whole of the three months then last preceding has been, in occupation, joint or several, of any house, warehouse, counting-house, shop, or other building within any municipal borough shall, subject to the provisions of this Act, be entitled to be enrolled in the burgess roll for such borough, and when so enrolled shall be, and shall be entitled to vote as, a burgess of such borough and member of the body corporate of the mayor, aldermen, and burgesses of such borough.

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(2.) The said premises so to be occupied need not be the same premises or in the same ward or poor-law union, but may be different premises occupied in immediate succession by such person in the same ward or poor-law union, or in different wards or poor-law unions.

(3.) In and for the purposes of this Act, the terms house, warehouse, counting-house, shop, or other building, include any part of a house, whether separately rated or not, where that part is separately occupied for the purposes of residence, or of any trade, business, or profession; and any such part may for the purpose of describing the qualification be described as apartments, office, chambers, studio, or by any like term applicable to the case. Where an occupier is entitled to the sole and exclusive use of any part of a house, that part shall not be deemed to be occupied otherwise than separately by reason only that the occupier is entitled to the joint use of some other part.

Occupation of premises of the value of 10*l.* to qualify.

4. Every person who by virtue of the occupation of any land or tenement in a municipal borough is entitled to be registered as a voter at a parliamentary election in respect of a ten pounds occupation qualification within the meaning of the fifth section of the Representation of the People Act, 1884, shall be entitled to be enrolled in the burgess roll for such borough, and when so enrolled shall, subject to the provisions of this Act, be, and shall be entitled to vote as, a burgess of such borough and member of the body corporate of the mayor, aldermen, and burgesses of such borough.

48 Vict. c. 3.

Residence necessary to qualify.

5. No person shall under the provisions of this Act be enrolled as a burgess in any municipal borough in any year unless such person shall, during the three months next preceding the twentieth day of July in that year, have resided within such borough or within seven miles of the same.

Exclusions from franchise.

6. No person being an alien, or who is disentitled under any Act of Parliament, shall under the provisions of this Act be enrolled as a burgess in any year, and no person shall be so enrolled in any year who within three calendar months next before the *twentieth day of July* in that year shall, under the Acts for the relief of the destitute poor in Ireland, have received relief other than medical or surgical relief or medicine under any Act relating to medical charities in Ireland.

Saving rights under existing burgess rolls.

7. Nothing in this Act contained shall affect any existing burgess roll, and every such roll shall continue in full force and effect in all respects as if this Act had not been passed.

No burgess to be enrolled who is not qualified under this Act.

8. From and after the *passing of this Act*, no person shall be enrolled in the burgess roll of any municipal borough unless he is qualified as a burgess according to the provisions of this Act.

Lists of parliamentary voters and burgess lists to be made out and revised together in certain boroughs.

9. Where the area of a municipal borough is co-extensive with or included in the area of a parliamentary borough the lists of parliamentary voters for the parliamentary borough, and the burgess lists for the municipal borough, shall be made out and revised together; and the following provisions shall have effect with respect to such lists:

(1.) The list of persons entitled to be registered as voters for any such parliamentary borough in respect of the occupation of property within such borough which, by virtue of the Parliamentary Registration (Ireland) Acts, the town clerk of such borough is required to make out or cause to be made out on or before the twentieth of July in every year, and the lists of persons entitled to be enrolled in the burgess roll for any such municipal borough which, by virtue of the Municipal Corporations (Ireland) Acts, 1840 to 1888, the town clerk is required to make out on or before the twentieth day of September in every year shall, after the passing of this Act, no longer be made out as in said Acts prescribed. In lieu thereof the town clerk of any such borough shall, on or before *the twentieth day of July* in every year, make out or cause to be made out a list of all persons entitled under any Act or Acts for the time being in force to be registered as voters for such parliamentary borough in respect of the occupation of property situate within such borough, or entitled to be enrolled in the burgess roll for such municipal borough.

(2.) The said list shall be made out in three divisions as follows:

(*a.*) Division one shall comprise the names of the persons entitled both to be registered as parliamentary voters and to be enrolled as burgesses:

(*b.*) Division two shall comprise the names of the persons entitled to be registered as parliamentary voters, but not to be enrolled as burgesses:

(*c.*) Division three shall comprise the names of the persons entitled to be enrolled as burgesses, but not to be registered as parliamentary voters.

(3.) Every such list shall state the surname and other name or names of every person whose name is inserted therein, his place of abode, the nature of his qualification, and the situation and description of the property in respect of which he is entitled.

A.D. 1894.

(4.) Every such list shall be divided into wards, and the list for each ward shall be arranged according to streets.

(5.) The list shall be signed, published, and otherwise dealt with in manner directed by the Parliamentary Registration (Ireland) Acts with respect to the alphabetical lists mentioned in the thirty-third section of the Representation of the People (Ireland) Act, 1850; and shall have the same effect as, and shall for all purposes whatsoever be deemed to be substituted for, the first of the three alphabetical lists in the said section directed to be made out.

(6.) The list required to be transmitted by the clerk of the union to the town clerk under the provisions of the thirty-second section of the Representation of the People (Ireland) Act, 1850, and the Acts amending the same shall, in any such borough as aforesaid, also contain the names of persons qualified as burgesses under the provisions of this Act, and shall be made out in the form prescribed in the second, third, and fourth sub-sections of this section.

(7.) All lists of voters, precepts, notices, and forms to be used in any such borough shall be altered so as to give effect to the provisions of this section, and the Lord Lieutenant may by Order in Council alter and amend the forms referred to in the third section of the Parliamentary Registration (Ireland) Act, 1885, so as to adapt them to the purposes of this section.

(8.) Every clerk of the peace, town clerk, clerk of union, and collector of poor rates in and for any such parliamentary borough shall, in the preparation of the lists of parliamentary voters, and in discharging the duties imposed on him by law in connexion therewith, give effect to the provisions of this section.

(9.) The Municipal Corporation (Ireland) Acts, 1840 to 1888, shall not, as to anything prior to the completion of the revision of the burgess lists, apply to any list made out in pursuance of this section; and instead thereof the Parliamentary Registration (Ireland) Acts shall, up to the completion of the revision of the burgess lists, apply to every such burgess list, as if it were a list of parliamentary voters made out pursuant to the provisions of those Acts: Provided as follows:

(*a.*) A person entered in division two of any such list shall not be entitled to object to any person entered in division three; and a person entered in division three shall not be entitled to objection to any person entered in division two:

(*b.*) A person entered in division two of any such list shall be entitled to object to a person entered in division one only on the ground that such last-mentioned person is not entitled to

have his name inserted in such list as a parliamentary voter; and a person entered in division three of any such list shall be entitled to object to a person entered in division one only on the ground that such last-mentioned person is not entitled to have his name retained in such list as a burgess:

(*c.*) The last day for revising any such list shall be the *twenty-fifth day of October.*

(10.) A list made out in pursuance of this section shall when revised be delivered to the town clerk; and the revising barrister shall as part of the business of the revision, at the request of the town clerk, sign and deliver to him a duplicate of the whole or part of any such revised list. Every such duplicate shall be prepared by the town clerk, and shall be kept by him for use for mun icipal purposes.Divisions one and three of the said duplicate list, when signed by the revising barrister in manner prescribed by the Parliamentary Registration (Ireland) Acts, shall be copied for the burgess roll and otherwise dealt with in all respects in the same manner as, and shall for all purposes whatsoever be deemed to be substituted for, the list of burgesses referred to in the forty-seventh section of the Municipal Corporations (Ireland) Act, 1840.

(11.) The register of voters for any parliamentary borough made up from revised lists under the Parliamentary Registration (Ireland) Acts and this Act shall come into operation on the *first day of January* next after the revision, and shall continue in operation for the year commencing with such first day of January.

The burgess roll of burgesses for any such municipal borough as aforesaid, made up from revised lists under this section, shall come into operation on the *twenty-fifth day of November* next after the revision, and shall continue in operation for the year commencing with such twenty-fifth day of November.

(12.) Where a list is made out pursuant to the provisions of this section, the provisions of the Parliamentary Registration (Ireland) Acts as to appeal from the decision of the revising barrister shall apply to a decision on the revision of such list, though such decision relates exclusively to the enrolment of burgesses for the municipal borough, or the right of any person to be enrolled as a burgess; and the provisions of the said Acts as to the alteration or correction of the register in pursuance of any judgment or order of the court of appeal shall apply to the alteration or correction of the burgess roll made up from the burgess lists, as if it were a register of parliamentary voters, except that the notice of the judgment or order shall be given to the town clerk having the custody of the

A.D. 1894.

burgess roll, and the alteration or correction shall be made and signed by him.

(13.) This section shall not come into force or have effect until the *first day of January one thousand eight hundred and ninety-five.*

Abolition of assessors in certain municipal boroughs.

10. After the passing of this Act borough assessors shall not be elected in any municipal borough the area of which is co-extensive with or included in the area of a parliamentary borough.

Expenses of voters lists and revision in certain boroughs.

11. Where the area of a municipal borough is co-extensive with or included in the area of a parliamentary borough, the expenses properly incurred by the town clerk (including therein such remuneration for the clerk of the union and the rate collectors as is herein-after provided for) in carrying into effect the provisions of the ninth section of this Act with respect to the lists of parliamentary voters and burgess lists, and all moneys received in respect of any of those lists, or in respect of any fine imposed by the revising barrister on the revision of the lists, shall be respectively paid and applied as follows :—

(1.) If the area of the parliamentary borough and the area of the municipal borough are co-extensive, one half of the expenses shall be defrayed in the manner provided by the Parliamentary Registration (Ireland) Acts as expenses incurred thereunder, and the other half shall be defrayed out of the borough fund, and one half of the moneys received as aforesaid shall be applied in the manner directed in those Acts, and the other half shall be paid to the borough fund :

(2.) In all other cases the expenses and receipts in respect of the area common to the parliamentary borough and to a municipal borough shall, as to one half thereof, be defrayed and applied as expenses and receipts under the Parliamentary Registration (Ireland) Acts, and shall as to the other half thereof be defrayed out of and paid to the borough fund of such municipal borough :

(3.) The expenses and receipts in respect of an area exclusively parliamentary shall be defrayed and applied as expenses and receipts under the Parliamentary Registration (Ireland) Acts :

(4.) Any expenses and receipts incurred or arising in respect of more than one such area shall be apportioned between the several areas in respect of which they are incurred or arise, in the proportion as nearly as may be in which the same are incurred and arise in respect of the several areas, regard being had to the number of parliamentary voters or burgesses in each area, or any other

circumstances occasioning the expenses or giving rise to the receipts:

(5.) The revising barrister shall, as part of the business of the revision, determine, if necessary, in respect of what area or areas any expenses or receipts are incurred or arise, and how much thereof is attributable to each area:

(6.) The Local Government for Ireland may by order fix the remuneration to be paid to clerks of unions and poor rate collectors for any additional duties cast upon them by the ninth section of this Act.

Clerk of union to supply extracts from rate-books in certain boroughs.

12. In the case of any municipal borough to which the ninth section of this Act does not apply, the clerk of the poor-law union comprising the whole or any part of such borough shall, within *twenty-one days* after the receipt of a written request to that effect, furnish to the town clerk of such borough a copy, certified under his hand, of all such rates and rate-books within his custody as the said town clerk shall require, for which copy the said clerk of the union shall be entitled to charge at a rate not exceeding *two pence* for every seventy-two words therein; and in case the said clerk of the union shall refuse or neglect to furnish such copy within the time aforesaid, he shall for every such offence forfeit a sum not exceeding *twenty pounds;* and such penalty may be recovered in a court of summary jurisdiction, and when recovered shall be paid into the borough fund of such borough.

Qualification for municipal franchise in towns and townships.

13.—(1.) Every person who on the twentieth day of July in any year is and during the whole of the three months then last preceding has been in occupation of any house, warehouse, counting-house, shop, or other building as defined in the third section of this Act, or of any land or tenement within any town or township, and such occupation would, if such premises were situate in any municipal borough, qualify such person under the provisions of this Act to be enrolled and vote as a burgess in such borough, shall be entitled to vote at any election of a member or members of the local authority for such town or township during the twelve months commencing on the *first day of January* next following the said twentieth day of July.

(2.) For the purposes of this Act the term "local authority" shall mean commissioners appointed by virtue of the Lighting of Towns (Ireland) Act, 1828, or under the Towns Improvement (Ireland) Act, 1854, and any municipal town or township commissioners appointed under any general or local Act.

A.D. 1894.

Words which import the masculine gender to include females.

14. In this Act wherever words occur which import the masculine gender, the same shall nevertheless and the word "person" shall be held to include females for all purposes connected with and having reference to the right to be enrolled and to vote as burgesses, or to vote at the election of any member or members of a local authority. A woman shall not be disqualified by marriage for being enrolled or voting as a burgess or at such elections as aforesaid: Provided that a husband and wife shall not both be qualified in respect of the same property.

Repeal.

15. The Acts specified in the schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule, and so much of any local and personal Act as is inconsistent with this Act is hereby repealed.

Extent of Act.

16. This Act shall not apply to England or Scotland.

SCHEDULE.

A.D. 1894.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
9 Geo. 4. c. 82.	The Lighting of Towns (Ireland) Act, 1828.	Section sixteen, from the beginning down to "the afore-mentioned qualification."
3 & 4 Vict. c. 108.	The Municipal Corporations (Ireland) Act, 1840.	Sections thirty to thirty-eight.
6 & 7 Vict. c. 93.	The Municipal Corporations (Ireland) Act, 1843.	Sections two, three, and twenty-seven.
12 & 13 Vict. c. 85.	An Act to amend an Act for the Regulation of Municipal Corporations in Ireland so far as relates to the Borough of Dublin.	Sections two to seven and sections ten to thirteen.
17 & 18 Vict. c. 103.	The Towns Improvement (Ireland) Act, 1854.	Section twenty-two.
48 Vict. c. 9.	Municipal Voters Relief Act, 1885 -	The whole Act.
50 & 51 Vict. c. cxviii. (local).	Municipal Corporation of Belfast Act, 1887.	The whole Act.
54 & 55 Vict. c. cxliv. (local).	Municipal Registration (Dublin and Belfast) Act, 1891.	The whole Act.

Municipal Franchise (Ireland) Amendment.

A

B I L L

To amend the Law relating to Municipal Franchise in Ireland.

(*Prepared and brought in by*
Mr. Thomas B. Curran, Mr. Maurice Healy,
Mr. Condon, Mr. Crean, and Mr. O'Keeffe.)

Ordered, by The House of Commons, *to be Printed,*
16 *March* 1894.

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[*Price* 1½*d.*]

[Bill 13.]

A

B I L L

TO

Amend the Law relating to Municipal Franchises in Ireland. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Short title. 1. This Act may be cited as the Irish Municipal Franchise Act, 1894.

Application of Act. 2. This Act shall apply to Ireland only.

Extension of franchise. 3. *On and after the passing of this Act* the persons qualified to vote at any election of aldermen and councillors for any of the municipal boroughs constituted under the Municipal Corporations (Ireland) Act, 1840, and the Acts amending the same, or for the election of commissioners in any town or township constituted under the Towns Improvement (Ireland) Act, 1854, and the Acts amending or incorporating the same, or under the Lighting of Towns (Ireland) Act, 1828, shall be such persons within the said boroughs, towns, and townships as would be entitled to vote at an election of a member to serve in Parliament.

Repeals. 4. Any Act or portion of any Act inconsistent with this Act shall be and the same is hereby repealed.

Municipal Franchise (Ireland) Amendment (No. 2).

A

B I L L

To amend the Law relating to Municipal Franchises in Ireland.

(*Prepared and brought in by Dr. Kenny, Mr. Harrington, Mr. William Redmond, Mr. Field, and Mr. Clancy.*)

Ordered, by The House of Commons, *to be Printed,* 16 *March* 1894.

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[Bill 28.]

Music and Dancing Licences (Middlesex) Bill.

MEMORANDUM.

Under the provisions of the Disorderly Houses Act, 1751, the Public Entertainments Act, 1875, and the Local Government Act, 1888, the County Council of Middlesex are only enabled to grant licences for the public performance of music and dancing once a year.

Under the provisions of Part 4 of the Public Health Acts Amendment Act, 1890, which does not apply to any area within twenty miles of the cities of London or Westminster, music and dancing licences can be granted outside that area at any time during the year. The whole of Middlesex is within the twenty-mile area.

The object of the Bill is to place Middlesex in the same position as regards the granting of music and dancing licences as other counties outside of the twenty-mile area, and thus remove the inconvenience caused under the present law to persons who desire to have their premises licensed by the County Council between the dates of the annual licensing meetings in the autumn.

Music and Dancing Licences (Middlesex) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Music and dancing licences.

A

B I L L

TO

Amend the Law as regards Music and Dancing Licences in Middlesex. A.D. 1894

WHEREAS the licensing of houses and other places for public dancing, music, or other public entertainment of the like kind, in the administrative county of Middlesex is now regulated by provisions contained in the Disorderly Houses Act, 1751, the Public Entertainments Act, 1875, and the Local Government Act, 1888, under which the County Council of Middlesex (in this Act called "the County Council") is the licensing authority, and it is expedient that these provisions, so far as they relate to the said county, should be varied and extended as provided by this Act:

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as the County Council of Middlesex (Music and Dancing Licences) Act, 1894.

Music and dancing licences.

2. For the regulation of places ordinarily used for public dancing or music, or other public entertainment of the like kind, the following provisions shall have effect in the administrative county of Middlesex; namely,

(1.) After the *thirty-first day of December one thousand eight hundred and ninety-four*, a house, room, garden, or other place, whether licensed or not for the sale of wines, spirits, beer, or other fermented or distilled liquors, shall not be kept or used for public dancing, singing, music, or other public entertainment of the like kind, without a licence for the purpose or purposes for which the same respectively is to be used first obtained from the County Council and for the

A.D. 1894.

registration thereof a fee of *five shillings* shall be paid by the person applying therefor; provided that such fee shall in no case be payable by any applicant in respect of any licence granted for the purpose of a charitable or other like entertainment:

(2.) The County Council may at any meeting, or at any adjournment thereof, convened with *fourteen days'* previous notice, grant licences to such persons as they think fit to keep or use houses, rooms, gardens, or places for all or any of the purposes aforesaid upon such terms and conditions, and subject to such restrictions, as they by the respective licences determine, and every licence shall be in force for *one year* or for such shorter period as the County Council on the grant of the licence shall determine, unless the same shall have been previously revoked as herein-after provided:

(3.) The County Council may from time to time at any such licensing meeting aforesaid transfer any such licence to such person as they think fit:

(4.) Each person shall in each case give *fourteen days'* notice to the clerk of the County Council and to the superintendent of police of the police division in which the house, room, garden, or place is situated, of his intention to apply for any such licence, or for the transfer of any such licence:

(5.) Any house, room, garden, or place kept or used for any of the purposes aforesaid without such licence first obtained shall be deemed a disorderly house, and the person occupying, rated as occupier of the same, shall be liable to a penalty not exceeding *five pounds* for every day on which the same is kept or used for any of the purposes aforesaid:

(6.) There shall be affixed and kept up in some conspicuous place on the door or entrance of every house, room, garden, or place so kept or used and so licensed as aforesaid an inscription in large capital letters in the words following: "Licensed in "pursuance of Act of Parliament for ," with the addition of words showing the purpose or purposes for which the same is licensed;

(7.) Any house, room, garden, or place so kept or used, although so licensed as aforesaid, shall not be opened for any of the said purposes except on the days and between the hours stated in the licence:

(8.) The affixing and keeping up of such inscription as aforesaid, and the observance of the days and hours of opening and

closing, shall be inserted in and made a condition of every such licence:

(9.) In case of any breach or disregard of any of the terms or conditions upon or subject to which the licence was granted, the holder thereof shall be liable to a penalty not exceeding *twenty pounds*, and to a daily penalty not exceeding *five pounds*, and such licence shall be liable to be revoked by the order of the County Council:

(10.) No notice need be given under sub-section (4) of this section when the application is for a renewal of any existing licence held by the applicant for the same premises:

(11.) The County Council may, if and as they think fit, grant to any person applying for the same a licence to keep or use any house, room, garden, or place for any purpose within the meaning of this section for any period not exceeding *fourteen days*, which they shall specify in such licence, notwithstanding that no notice shall have been given under sub-section (4) of this section:

(12.) From and after the *passing of this Act* so much of section two of the Disorderly Houses Act, 1751, as requires that a licence granted under that section shall be signed and sealed by the justices in open court, and afterwards be publicly read by the clerk of the peace, together with the names of the justices subscribing the same, and all other provisions of the said Act inconsistent with this Act shall cease to apply to the administrative county of Middlesex:

(13.) The powers by this Act conferred upon the County Council shall be in addition to and not in derogation of any of the powers of licensing now vested in the County Council.

Music and Dancing Licences (Middlesex).

A

BILL

To amend the Law as regards Music and Dancing Licences in Middlesex.

(*Prepared and brought in by Mr. Howard, Mr. Bigwood, Captain Bowles, and Mr. Stephens.*)

Ordered, by The House of Commons, *to be Printed*, 16 *March* 1894.

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[Bill 26.]

A

B I L L

FOR

The acquisition and better regulation of Mussel Scalps in Scotland.

A.D. 1894.

WHEREAS it is expedient to make provision for the regulation and development of the Scottish mussel and bait beds:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Mussel Fisheries Regulation (Scotland) Act, 1894.

Extent of Act.

2. This Act shall apply only to Scotland, and to the parts of the sea adjoining Scotland, together with the foreshores adjacent, and within the exclusive fishery limits of the British Islands.

Acting authority.

3. The acting authority under this Act shall be the Scottish Fishery Board, to whom shall be granted full powers and rights to have its provisions carried into effect.

List of mussel fisheries to be drawn up by Fishery Board.

4. The Fishery Board shall, within *six months* after the passing of this Act, and after due notice and advertisement of their intention so to do, draw up a list or schedule of mussel or clam fisheries or beds or scalps as presently existing within the area defined by this Act, and shall specify therein the situation and limits thereof, and the names of the owners or the reputed owners respectively.

The list or schedule shall be published or circulated in such manner as the Fishery Board shall think fit, and a copy shall be sent to each of the owners or reputed owners specified therein. The principal list or schedule shall be kept or retained in the office of the Fishery Board, and shall be revised or added to as the Fishery Board shall see fit.

Purchase of mussel

5. For the purpose of this Act, and with a view to the maintenance and regulation of mussel or clam fisheries, or beds or

A.D. 1894.

fisheries, &c. by Fishery Board.

scalps, and for the cultivation of mussels and clams generally, the Fishery Board shall be entitled to acquire by purchase any mussel or clam fisheries or beds or scalps, whether on the list or schedule herein-before provided for or not; and with respect to the purchase of such fisheries or beds or scalps otherwise than by agreement the provisions of the Lands Clauses Acts in regard to the taking of land otherwise than by agreement are hereby incorporated with this Act.

Proprietors of mussel fisheries, &c. to lodge evidence of property with Commissioners of Woods, Forests, &c.

6. Any person having or claiming to have a right or title to mussel or clam fisheries, or mussel or clam beds, or mussel scalps, within the limits embraced in this Act, shall, within a period of *two years* from the passing of this Act, lodge with the Commissioners of Her Majesty's Woods and Forests and Land Revenues a copy of or an extract from any charter, conveyance, lease, deed, or other document which instructs, or is founded upon as instructing, his right or title to the same, along with a chart or charts of the mussel or clam fisheries, or beds or scalps, which at the expiry of a period of two years shall not be so claimed shall be held to vest in and belong to the Crown, and shall be treated accordingly.

In the event of the right or title of any person to such mussel or clam fisheries or beds or scalps not being instructed to the satisfaction of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, the persons making such claim shall, in the event of his insisting in it, bring an action of declaration of his right in the court of session, and if he fail to bring such action within *twelve months* from the date of the Fishery Board intimating their intention to take possession of the subject or subjects, the beds or scalps in question claimed shall be held to vest in and belong to the Crown, and shall be treated accordingly.

Purchase of foreshore, rights of way, &c. by Fishery Board.

7. For the purpose of this Act, and with a view to the proper regulation and maintenance of mussel or clam beds, or fisheries, or scalps, the Fishery Board shall have the power to acquire, on the terms provided in the preceding section, such foreshores, rights of way, and accesses as may be necessary to fulfil the intent of the Act, and work and develop the same in the interests of the Crown.

Fishery Board to make byelaws for purchased mussel fisheries for certain purposes.

8. When the Fishery Board shall have acquired possession of the mussel or clam fisheries, or beds, or scalps, together with the necessary foreshores, rights of way, and accesses, the Fishery Board shall make byelaws for the regulation of the fisheries, or beds, or scalps, and generally for any or all of the following purposes, viz.:—

(*a.*) For regulating the period of the year for the removal or taking of mussels or clams from the scalps or beds.

(*b.*) For prohibiting the sale, removal, or taking of mussels or clams from the beds or scalps for manure, or for any other purposes inconsistent with the provisions of this Act.

(*c.*) For the sale of mussels or clams to the fishermen or to the general public, due regard being had to the primary interests of the fishermen resident in the district, or on the districts adjacent where such beds or scalps do not exist; it being hereby enacted and provided that where a community of fishermen shall have by their exertions been the means of making such mussel bed or scalps, then they shall have the right to gather clams or mussels free of charge for such a period as shall in each case be fixed and determined by the Fishery Board.

(*d.*) For regulating the sale of mussels, so that if a scarcity of mussels for any year or years is apprehended, that the sale of mussels for that year or years shall be prohibited for any other purpose than that of supplying bait to fishermen, and that for all such purposes the fishermen on the west of Scotland shall have the first claim to all mussel beds on the west coasts. The like privilege being conceded to fishermen on the east of Scotland for the exclusive use of mussel beds on the east coast.

(*e.*) For the formation and cultivation of beds or scalps where these have aforetime existed, and where the Fishery Board shall be satisfied that they are required.

(*f.*) For the due watching of the beds or scalps and the prohibiting of illegal or unauthorised fishing from the same, and for the enacting and imposition of such penalties as to the Fishery Board may seem to be necessary.

(*g.* For the prohibiting of any dredging for ballast on the beds or scalps, or the depositing of ballast on the same.

(*h*). For prohibiting the sale, removal, or taking of mussels or clams below a specified size.

(*i.*) For repealing or amending any byelaw made in pursuance of this Act.

Prosecutions to be under the Summary Jurisdiction Acts.

9. All penalties, offences, and proceedings under this Act, or under any order made thereunder, may be prosecuted summarily under the Summary Jurisdiction Acts; and if any person feels aggrieved by any conviction under this Act, or by any determination or adjudication of the court with respect to any compensation under this Act, he may appeal in the manner provided in these Acts.

A.D. 1894.

Provision for expenses.

10. The expenses incurred in the putting of this Act into force and in the working of the same shall be defrayed by the Fishery Board of Scotland, and shall be met by the imposition of a rate not to exceed *one-fourth of one penny* in the pound per annum on all lands and heritages within the seaboard towns and counties of Scotland, but such contribution is in no single case to exceed *two hundred and fifty pounds* per annum. As also from the imposition of a rate not to exceed *one eighth of one penny* in the pound from all the inland counties and their towns, but such contribution is in no single case to exceed *one hundred pounds* per annum. These rates or contributions to be collected in the usual manner together with the town or county taxation at the instance of the town or county councils respectively.

Mussel Scalps (Scotland).

A

B I L L

For the acquisition and better regulation of Mussel Scalps in Scotland.

(Prepared and brought in by Mr. Birkmyre, Sir William Wedderburn, Sir Donald MacFarlane, Mr. Wason, Mr. Harry Smith, and Mr. Crombie.)

Ordered, by The House of Commons, *to be Printed,* 17 *April* 1894.

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[*Price* 1*d.*]

[Bill 169.]

A

B I L L

TO

Provide for the attendance of Assessors at the trial and hearing of Maritime Causes in the Court of Session and Sheriff Courts in Scotland, and in Appeals to the House of Lords. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Nautical Assessors (Scotland) Act, 1894, and shall apply to Scotland only.

Appointment of assessors in Court of Session or Sheriff Court.

2. In any action or proceeding in the Court of Session or in the Sheriff Court arising out of or relating to collision at sea, salvage, towage, or any other maritime matter, the court, if it thinks fit, may, and on the application of any party, shall, summon to its assistance at the trial, or at any subsequent hearing, whether on reclaiming note, appeal or otherwise, one or more persons of nautical skill and experience, who may be willing to sit with the court and act as assessor or assessors, but, where it is proposed to summon any person as an assessor, objection to him, either personally or in respect of his qualification, may be stated by any party to the action or proceeding, and shall be disposed of by the court.

List of assessors to be kept.

3. The assessors shall be appointed from a list of persons approved for the purpose, as regards the Court of Session, by the Lord President, and as regards the Sheriff Court, by the Sheriff of the Sheriffdom. Such lists shall be published as the Lord President, or the Sheriff, as the case may be, shall direct, and shall be in force for *three years* only, but persons entered in any such list may be again approved in any subsequent list.

[Bill 312.]

A.D. 1894.

Court of Session may frame Act of Sederunt.

4. The Court of Session may, by Act of Sederunt, prescribe such rules as it shall think fit with regard to the summoning and duties of assessors under this Act, and to their remuneration, and such remuneration shall be treated as expenses in the action or proceeding, unless otherwise ordered by the Court.

Assessors in the House of Lords.

5. For the hearing and determination of any appeal against a judgment of any Scottish Court in any such action or proceeding as aforesaid, the House of Lords may, if it shall think it expedient to do so, call in the aid of one or more assessors specially qualified, and hear such appeal wholly or partially with the assistance of such assessor or assessors.

This section shall be carried into effect in pursuance of Orders made by the House of Lords.

Definitions.

6. The expression "Court" shall include the Lord Ordinary and either Division of the Court of Session, and the Sheriff and Sheriff substitute, but the expression "Sheriff" shall not include Sheriff Substitute.

Nautical Assessors (Scotland).

A

B I L L

To provide for the attendance of Assessors at the trial and hearing of Maritime Causes in the Court of Session and Sheriff Courts in Scotland, and in Appeals to the House of Lords.

(*Prepared and brought in by The Lord Advocate, Sir George Trevelyan, and Mr. Solicitor General for Scotland.*)

Ordered, by The House of Commons, *to be Printed*, 12 *July* 1894.

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[*Price* ½*d.*]

[Bill 312.]

A

B I L L

TO

Confirm a Provisional Order made by the Secretary for Scotland, in pursuance of the Burgh Police (Scotland) Act, 1892, to increase the number of Magistrates in the Royal Burgh of North Berwick. A.D. 1894.

WHEREAS the Secretary for Scotland has, under the provisions of the Burgh Police (Scotland) Act, 1892, made the Provisional Order set forth in the schedule hereto annexed relating to the royal burgh of North Berwick:

And whereas it is requisite that the said Order should be confirmed by Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The Order set out in the schedule hereunto annexed shall be, and the same is hereby confirmed, and all the provisions thereof shall, from and after the passing of this Act, have full validity and force. Provisional Order in schedule confirmed.

2. This Act may be cited as the North Berwick Provisional Order Confirmation Act, 1894. Short title.

A.D. 1894.

SCHEDULE.

BURGH POLICE (SCOTLAND) ACT, 1892.
(55 & 56 VICT. CAP. 55.)

NORTH BERWICK.

PROVISIONAL ORDER to increase the NUMBER of MAGISTRATES in the Royal Burgh of North Berwick.

15 & 16 Vict. c. 32.

Whereas by the Burghs (Scotland) Act, 1852, it is enacted by section two that "in each of the royal burghs in Scotland, specified in the schedule to this "Act annexed, the number of the councils of such royal burghs shall be "limited to the numbers specified in the said schedule as applicable to each "such burgh respectively," and by section three it is enacted that "it shall be "competent for the councillors of each such burgh elected under this Act to "elect according, or as nearly as may be according, to present use such number "and description of magistrates in each such burgh respectively as are specified "in the said schedule as applicable to such burgh," and by the schedule therein referred to the number of councillors to which the royal burgh of North Berwick is entitled is nine, and the number of bailies is two, with no provost:

55 & 56 Vict. c. 55.

And whereas by the Burgh Police (Scotland) Act, 1892, section thirty-six, it is enacted that "there shall be elected in burghs . . . . where the "population is less than ten thousand, a chief magistrate and two other "magistrates, and the chief magistrate shall be called provost and the "magistrates be called bailies":

And whereas by section forty-four of the said Burgh Police (Scotland) Act, 1892, it is further enacted that "in any burgh where the magistrates and "council are the commissioners under this Act, it shall be lawful for the "magistrates and council to make application to the Secretary for Scotland "for a Provisional Order determining that the number of the magistrates and "council, or either of them, may be altered to any number which would be "competent under this Act for the commissioners of police of such burgh, and "for distributing the number of the magistrates and council so altered among "the wards of the burgh if it is divided into wards, and that such alteration "shall come into effect either immediately at the next election or at successive "elections by gradual increase or diminution of the number of the magistrates "and council, or either of them":

"If such order is made and confirmed by Parliament as herein-after provided, "it shall regulate the number of the magistrates and council of such burgh for "the future, any charter, right, or Act of Parliament notwithstanding":

And whereas the royal burgh of North Berwick is a burgh in which the population is less than ten thousand, and as such is entitled in terms of

section thirty-six of the said Burgh Police (Scotland) Act, 1892, to have a chief magistrate and two other magistrates: A.D. 1894.

And whereas a petition under the provisions of the said Burgh Police (Scotland) Act, 1892, has been presented to me as Secretary for Scotland by the magistrates and council of the royal burgh of North Berwick as commissioners of the said burgh, setting forth that in consequence of there being only two magistrates exercising jurisdiction within the said burgh great inconvenience has been felt in the administration of the affairs of said burgh, more particularly in relation to the granting of licenses, and that this inconvenience is likely to be still greater on account of the boundaries of the said burgh having recently been extended under the provisions of said Burgh Police (Scotland) Act, and that it would be desirable that the number of magistrates in the said burgh should be increased to three, being the number authorised by section thirty-six of the said Burgh Police (Scotland) Act:

And whereas I have resolved to issue a Provisional Order increasing the number of magistrates in said burgh accordingly.

Now, therefore, in pursuance of the powers vested in me by the Burgh Police (Scotland) Act, 1892, I, as Secretary for Scotland, do by this Provisional Order, under my hand and seal, determine that from and after the passing of any Act of Parliament confirming the same, the number of magistrates in the royal burgh of North Berwick shall be altered and increased to three by the addition of one magistrate, and I direct that an election of the additional magistrate authorised by this Provisional Order may take place within such time after the passing of any Act of Parliament confirming this Provisional Order as would be competent in terms of the present law and practice in royal burghs in the case of a vacancy occurring in the number of magistrates therein; or at the next annual election of councillors in said burgh; and thereafter, the election of a chief magistrate and two other magistrates in said burgh shall take place in terms of the existing law regulating such elections in royal burghs.

Given under my hand and seal at Whitehall, this thirteenth day of March, one thousand eight hundred and ninety-four.

(L.S.) (Signed) GEORGE OTTO TREVELYAN.

North Berwick Provisional Order.

A

BILL

To confirm a Provisional Order made by the Secretary for Scotland, in pursuance of the Burgh Police (Scotland) Act, 1892, to increase the number of Magistrates in the Royal Burgh of North Berwick.

(*Prepared and brought in by The Lord Advocate and Sir George Trevelyan.*)

Ordered, by The House of Commons, *to be Printed*, 19 *March* 1894.

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HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 89.]

A

B I L L

FOR

Providing for notice of and inquiry into Accidents occurring in certain Employments and Industries. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Notice to Board of Trade of accidents in certain employments.

1.—(1.) Where there occurs in any employment to which this section applies any accident which causes to any person employed therein either loss of life or such bodily injury as to prevent him from returning to his work and doing five hours work on any day during the next three days after the occurrence of the accident, his employer shall, as soon as may be and not later than four days after the occurrence of the accident, send to the Board of Trade notice in writing of the accident, specifying the time and place of its occurrence, its probable cause, the name and residence of any person killed or injured, the mode in which any such person was employed at the time of the accident, and, in the case of an injury, the nature of the injury,

(2.) If any person wilfully makes default in complying with the requirements of this section he shall be liable on summary conviction to a fine not exceeding *forty shillings*.

Application of provisions as to notice.

2.—(1.) Section one of this Act shall apply to the employments specified in the schedule to this Act.

(2.) If the Board of Trade are of opinion that any other employment in which twenty persons or more, not being domestic servants, are employed by the same employer, is specially dangerous to life or limb, the Board may, by order, direct that section one of this Act shall apply to that employment, and thereupon, while the order is in force, that section shall apply accordingly.

A.D. 1894.

(3.) The Board of Trade may, by order, revoke or modify any order made under the foregoing powers, and modify or limit the application of section one of this Act to the employments specified in the schedule to this Act.

(4.) The Board of Trade may also, by order, require any further particulars to be specified in the notice to be sent in pursuance of section one of this Act.

(5.) Every order made under this section shall be notified in the London Gazette and in such other manner as may appear to the Board of Trade sufficient for giving publicity thereto, and shall be laid before both Houses of Parliament as soon as may be after it is made.

(6.) Nothing in this Act shall require notice to be given of any accident of which notice is required by any other Act to be given to a Secretary of State, or to an inspector appointed by a Secretary of State, or to the Board of Trade.

Power to hold formal investigation in case of serious accidents. [See 34 & 35 Vict. c. 78. s. 7. and 50 & 51 Vict. c. 58. s. 45.]

3. Where it appears to the Board of Trade that any accident involving loss of life or bodily injury is of sufficient importance to require a formal investigation of the accident, and of its causes and circumstances, the Board may by order direct such investigation to be held, and with respect to any such investigation the following provisions shall have effect:—

(1.) The Board may appoint a competent person to hold the investigation, and may appoint any person possessing legal or special knowledge to act as assessor in holding the investigation:

(2.) The person appointed to hold the investigation (herein-after called the court) shall hold the same in open court in such manner and under such conditions as the court may think most effectual for ascertaining the causes and circumstances of the accident, and enabling the court to make the report in this section mentioned:

(3.) The court shall have for the purpose of the investigation all the powers of a court of summary jurisdiction when acting as a court in the exercise of its ordinary jurisdiction, and all the powers of an inspector under the Railway Regulation Acts, 1840 to 1889, and in addition the following powers; namely—

(*a.*) Power to enter and inspect, or to authorise any person to enter and inspect, any place or building the entry or inspection whereof appears to the court requisite for the said purpose;

(*b.*) Power, by summons signed by the court, to require the attendance of all such persons as it thinks fit to call before it and examine for the said purpose, and for that purpose

to require answers or returns to such inquiries as it thinks fit to make;

(*c.*) Power to require the production of all books, papers, and documents which it considers important for the said purpose;

(*d.*) Power to administer an oath and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination:

(4.) Every person attending as a witness before the court, and not being the employer of the person killed or injured, or in the employment of that employer, shall be allowed such expenses as would be allowed to a witness attending before a court of record, and in case of dispute as to the amount to be allowed, the same shall be referred by the court to a master of the Supreme Court, who on request signed by the court shall ascertain and certify the proper amount of the expenses:

(5.) The court holding an investigation under this section shall make a report to the Board of Trade, stating the causes of the accident and its circumstances, and adding any observations which the court thinks right to make, and the Board may cause any such report to be made public in such manner as the Board think fit:

(6.) All expenses incurred in and about an investigation under this section (including any remuneration payable to any person appointed to hold the investigation or to act as assessor) shall be deemed to be part of the expenses of the Board of Trade in the execution of this Act.

(7.) If any person without reasonable excuse (proof whereof shall lie on him) either fails, after having had the expenses (if any) to which he is entitled tendered to him, to comply with any summons or requisition of a court holding an investigation under this section, or prevents or impedes the court in the execution of its duty, he shall for every such offence be liable, on summary conviction, to a fine not exceeding *ten pounds*, and in the case of a failure to comply with a requisition for making any return or producing any document shall be liable, on summary conviction, to a fine not exceeding *ten pounds* for every day that such failure continues.

Expenses of Board of Trade.

4. *The expenses of the Board of Trade in the execution of this Act shall be defrayed out of moneys to be provided by Parliament.*

Application to Scotland.

5. In the application of this Act to Scotland—

The expression "court of summary jurisdiction" shall mean the sheriff:

A.D. 1894.

The expression "master of the Supreme Court" shall mean the auditor of the Court of Session:

Every order made under this Act and required to be notified in the London Gazette, shall, if it relates to Scotland, be notified in the Edinburgh Gazette.

Application to Ireland.

6. In the application of this Act to Ireland the expression "master of the Supreme Court" shall mean a taxing master of the Supreme Court:

Every order made under this Act and required to be notified in the London Gazette, shall, if it relates to Ireland, be notified in the Dublin Gazette.

Short title.

7. This Act may be cited as the Notice of Accidents Act, 1894.

SCHEDULE.

1. Construction, use, working, or repair of any railway, tramroad, tramway, gaswork, canal, bridge, tunnel, harbour, dock, port, pier, quay, or other work authorised by any local or personal Act of Parliament.

2. Construction or repair by means of a scaffolding of any building which exceeds three stories in height or four thousand feet in superficial area, or use or working of any such building in which more than twenty persons, not being domestic servants, are employed for wages.

3. Use or working of any traction engine or other engine or machine worked by steam in the open air.

Notice of Accidents.

A

B I L L

For providing for notice of and inquiry into Accidents occurring in certain Employments and Industries.

(*Prepared and brought in by Mr. Burt, Mr. Mundella, and Mr. Secretary Asquith.*)

Ordered, by The House of Commons, *to be Printed*, 5 *April* 1894.

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HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* 1*d.*]

[Bill 144.]

A

B I L L

[AS AMENDED BY THE STANDING COMMITTEE ON TRADE]

FOR

Providing for notice of and inquiry into Accidents occurring in certain Employments and Industries. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Notice to Board of Trade of accidents in certain employments.

1.—(1.) Where there occurs in any employment to which this section applies any accident which causes to any person employed therein either loss of life or such bodily injury as to prevent him from returning to his work and doing five hours work on any one of the three days next after the occurrence of the accident, his employer shall, as soon as possible and, in case of an accident not resulting in death, not later than six days after the occurrence of the accident, send to the Board of Trade notice in writing of the accident, specifying the time and place of its occurrence, its probable cause, the name and residence of any person killed or injured, the work on which any such person was employed at the time of the accident, and, in the case of an injury, the nature of the injury.

(2.) If any person wilfully makes default in complying with the requirements of this section he shall be liable on summary conviction to a fine not exceeding forty shillings.

Application of provisions as to notice.

2.—(1.) Section one of this Act shall apply to the employments specified in the schedule to this Act.

(2.) If the Board of Trade are of opinion that any other employment in which twenty persons or more, not being domestic servants, are employed by the same employer, is specially dangerous to life or limb, the Board may, by order, direct that section one of this Act shall apply to that employment, and thereupon, while the order is in force, that section shall apply accordingly.

A.D. 1894.

(3.) The Board of Trade may, by order, revoke or modify any order made under the foregoing powers, and modify or limit the application of section one of this Act to the employments specified in the schedule to this Act.

(4.) The Board of Trade may also, by order, require any further particulars to be specified in the notice to be sent in pursuance of section one of this Act.

(5.) Every order made under this section shall be notified in the London Gazette and in such other manner as may appear to the Board of Trade sufficient for giving publicity thereto, and shall be laid before both Houses of Parliament as soon as may be after it is made.

Power to hold formal investigation in case of serious accidents. [See 34 & 35 Vict. c. 78. s. 7. and 50 & 51 Vict. c. 58. s. 45.]

3. Where it appears to the Board of Trade that any accident involving loss of life or bodily injury is of sufficient importance to require a formal investigation of the accident, and of its causes and circumstances, the Board may by order direct such investigation to be held, and with respect to any such investigation the following provisions shall have effect:—

(1.) The Board may appoint a competent person to hold the investigation, and may appoint any person possessing legal or special knowledge to act as assessor in holding the investigation, and may assign to any such person such remuneration as the Board, with the approval of the Treasury, determine:

(2.) The person appointed to hold the investigation (herein-after called the court) shall hold the same in open court in such manner and under such conditions as the court may think most effectual for ascertaining the causes and circumstances of the accident, and enabling the court to make the report in this section mentioned:

(3.) The court shall have for the purpose of the investigation all the powers of a court of summary jurisdiction when acting as a court in the exercise of its ordinary jurisdiction, and all the powers of an inspector under the Railway Regulation Acts, 1840 to 1889, and in addition the following powers; namely—

(*a.*) Power to enter and inspect, or to authorise any person to enter and inspect, any place or building the entry or inspection whereof appears to the court requisite for the said purpose;

(*b.*) Power, by summons signed by the court, to require the attendance of all such persons as it thinks fit to call before it and examine for the said purpose, and for that purpose to require answers or returns to such inquiries as it thinks fit to make;

A.D. 1894.

(*c.*) Power to require the production of all books, papers, and documents which it considers important for the said purpose;

(*d.*) Power to administer an oath and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination:

(4.) Every person attending as a witness before the court, and not being the employer of the person killed or injured, or in the employment of that employer, shall be allowed such expenses as would be allowed to a witness attending before a court of record, and in case of dispute as to the amount to be allowed, the same shall be referred by the court to a master of the Supreme Court, who on request signed by the court shall ascertain and certify the proper amount of the expenses:

(5.) The court holding an investigation under this section shall make a report to the Board of Trade, stating the causes of the accident and its circumstances, and adding any observations which the court thinks right to make, and the Board may cause any such report to be made public in such manner as the Board think fit:

(6.) The court may order any expenses incurred in and about an investigation under this section (including any remuneration payable to any person appointed to hold the investigation or to act as assessor) to be paid by any person summoned before it, but subject to any such order such expenses shall be deemed to be part of the expenses of the Board of Trade in the execution of this Act:

(7.) If any person without reasonable excuse (proof whereof shall lie on him) either fails, after having had the expenses (if any) to which he is entitled tendered to him, to comply with any summons or requisition of a court holding an investigation under this section, or prevents or impedes the court in the execution of its duty, he shall for every such offence be liable, on summary conviction, to a fine not exceeding ten pounds, and in the case of a failure to comply with a requisition for making any return or producing any document shall be liable, on summary conviction, to a fine not exceeding ten pounds for every day that such failure continues.

Expenses of Board of Trade.

4. The expenses of the Board of Trade in the execution of this Act shall be defrayed out of moneys to be provided by Parliament.

Application to Government departments.

5. This Act shall apply in the case of accidents occurring to persons employed by a department of the Government, and in such

A.D. 1894.

cases the notice to be given by the employer shall be given by such person as the department by general rule direct.

Savings.

6. Nothing in this Act shall apply to any employment which is for the time being regulated by any Act of Parliament administered by the Secretary of State or by inspectors appointed by him, or shall require notice to be given of any accident of which notice is required by any other Act to be given to the Board of Trade.

Application to Scotland.

7. In the application of this Act to Scotland—

The expression "court of summary jurisdiction" shall mean the sheriff:

The expression "master of the Supreme Court" shall mean the auditor of the Court of Session:

Every order made under this Act and required to be notified in the London Gazette, shall, if it relates to Scotland, be notified in the Edinburgh Gazette.

Application to Ireland.

8. In the application of this Act to Ireland the expression "master of the Supreme Court" shall mean a taxing master of the Supreme Court:

Every order made under this Act and required to be notified in the London Gazette, shall, if it relates to Ireland, be notified in the Dublin Gazette.

Short title.

9. This Act may be cited as the Notice of Accidents Act, 1894.

SCHEDULE.

1. Construction, use, working, or repair of any railway, tramroad, tramway, gaswork, canal, bridge, tunnel, harbour, dock, port, pier, quay, or other work authorised by any local or personal Act of Parliament.

2. Construction or repair by means of a scaffolding of any building which exceeds three stories in height or four thousand feet in superficial area, or use or working of any such building in which more than twenty persons, not being domestic servants, are employed for wages.

3. Use or working of any traction engine or other engine or machine worked by steam in the open air.

Notice of Accidents.

A

B I L L

[AS AMENDED BY THE STANDING COMMITTEE ON TRADE]

For providing for notice of and inquiry into Accidents occurring in certain Employments and Industries.

(*Prepared and brought in by Mr. Burt, Mr. Mundella, and Mr. Secretary Asquith.*)

Ordered, by The House of Commons, *to be Printed*, 5 *June* 1894.

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[*Price* 1*d.*]

[Bill 272.]

Occupying Tenants Enfranchisement Bill.

MEMORANDUM.

The object of this Bill is to facilitate occupiers becoming the owners of the freeholds of the land and houses they occupy for residential or for trade purposes.

This is carried out in two ways, namely, first by giving the occupying tenant the right to purchase the freehold, and second, by giving freeholders—part of whose property has been purchased by occupying tenants—the right to require the local authority to take the adjacent portions and to offer them to the occupiers.

Occupying Tenants.

The first part of the Bill refers to occupying tenants who are defined as those who actually occupy the premises and who hold a lease of 20 years unexpired, or who have, or whose parents have occupied the premises for at least 20 years with or without a lease. Such persons by a simple process at the county court can get the value of the freehold fixed, they paying the costs (which are fixed by the Bill), and five per cent. for compulsory purchase.

When the title is good and when the freehold and sub-lessors who are interested in the holding agree as to the division of the purchase money, the occupying tenant pays the purchase money into court; the court divides it and issues a certificate of purchase to the occupying tenant who becomes the freeholder.

When the title is not good or when the freeholder and sub-lessors cannot agree in the division of the purchase money, then the court under the Bill issues a certificate of purchase at rentcharge to the occupying tenant, who becomes the freeholder, subject to the payment either of the rents named in the leases or sub-leases as they become operative or four per centum on the purchase money whichever is the greater.

Leaseholders can only enfranchise under this Bill if they are also occupying tenants, the aim of the Bill being not to get rid of the present freeholder and put a middleman in his place, but simply to enable those actually occupying and using the land and premises to become their own freeholders.

Freeholders selling to Local Authorities.

This is carrying out the idea suggested in the report of the Town Holdings Committee, that local authorities should under certain conditions themselves purchase and re-sell to occupiers.

The Bill provides that any freeholder, part of whose property has been taken by an occupying tenant under this Bill, shall have the right to require the local authority (the county council) to purchase the adjacent property belonging to him. The adjacent property is defined as the remainder of the street, road, square, &c.

The value of the property, the Bill provides, shall be fixed in a similar way to that in the first part of the Bill, except that no allowance is to be made for compulsory sale, and the costs (fixed by the Bill) are to be paid by the local authority.

When purchased the local authority is to offer each holding at a price just sufficient to cover the cost and all reasonable expenses to each occupier, however long or however short a time he may have been an occupier. Occupiers purchasing may pay the purchase money by instalments over fifteen years or take the holding by perpetual rentcharge. Occupiers who do not purchase become tenants of the local authorities.

Freeholders may also under the Bill sell the rentcharges created under the Bill to the local authority.

Restrictive Covenants.

The Bill provides that all restrictive covenants which concern the property in common with adjoining occupiers or owners are to be maintained and are to be enforced by the local authority.

Persons not qualified to benefit by the Bill.

The Bill excludes clergymen, ministers, officials, managers, and those who occupy their employers' property, also those who reside in portions of holdings and flats, and persons who occupy from the charity of others, from claiming the benefit of the Bill.

Subsequent Dealings with Enfranchised Holdings.

The Bill provides a simple and cheap way of subsequently dealing with enfranchised holdings through the agency of the court and at a fixed fee.

Occupying Tenants Enfranchisement Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Commencement of Act.
3. Interpretation of terms.

Occupying Tenants.

4. Occupying tenant may acquire reversion by purchase.
5. Power to acquire reversions concurrently.
6. Occupying tenant may purchase reversions by agreement.
7. Notice by occupying tenant of intention to acquire freehold.
8. Action in case of improper application.
9. Action when application proved and all parties agree in price of holding.
10. Action if valuation not approved by freeholder or sub-lessors.
11. Action if second valuation not approved for final decision of value.
12. Payment of purchase money into court and issue of certificate of purchase.
13. Distribution of purchase money.
14. Action when title cannot be readily proved or dispute in the division of the purchase money.
15. Action when title cannot be proved or dispute in the division of the purchase money cannot be overcome—issue of certificate of purchase by rentcharge.
16. Deposit to be returned on issue of certificate of purchase by rentcharge.
17. Certificate of purchase or certificate of purchase by rentcharge equal to fee simple.

Freeholders selling to Local Authorities.

18. Freeholder may require local authority to purchase adjacent property or rentcharge.

Clause.
19. Local authority to take action to verify freeholder's application.
20. Local authority's action concerning title.
21. Action in defective title.
22. Action if title satisfactory and price approved.
23. Action when value cannot be agreed to.
24. Payment to freeholder.
25. All freeholds purchased by local authority to be offered to occupiers.
26. Mode of procedure for purchase by occupiers from local authority.
27. Purchase by occupiers from local authority may be by instalments.
28. Occupiers who do not purchase from local authority.
29. Local authority may borrow for this Act.

Mode of assessing Values.

30. Considerations for assessment of purchase money.

Restrictive Covenants.

31. Restrictive covenants, which are and which are not to be observed.
32. Local authority to enforce covenants.

Scale and Regulation of Fees.

33. Scale of law costs to be paid by occupying tenant.
34. Scale of valuation fee.
35. Scale of freeholders costs of sale to local authority to be paid by local authority.
36. Valuation fee of sale by freeholder to local authority.
37. Costs in case of default of occupying tenant or freeholder or of unfounded claim.

Persons not qualified to benefit by this Act.

38. Persons not qualified to benefit by this Act.

Subsequent Dealings with Enfranchised Holdings.

39. Subsequent sales, &c., may be effected at court at fixed fee.

Miscellaneous Enactments.

Clause.

40. Provision for cases of disability.
41. Trustees may purchase under certain conditions.
42. Provision in case of irregularities.
43. Limitation in certain cases of right to apply to court.
44. Appeals.
45. Rules.
46. Forms in schedule.
47. Notices may be printed or written.
48. Service of notices.

SCHEDULE.

A

B I L L

TO

Enable Occupying Tenants of Houses and Places of Business to purchase the Fee Simple of their Holdings. A.D. 1894.

WHEREAS it is expedient to amend the law so as to give to occupying tenants the power to acquire the freehold reversion expectant on the determination of their leases, and any intermediate interests in such property:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as the Occupying Tenants Enfranchisement Act, 1894.

Commencement of Act.

2. This Act shall come into operation on the *first day of September one thousand eight hundred and ninety-four*, which date is herein-after referred to as the commencement of this Act.

Interpretation of terms.

3. In this Act the following words and expressions shall have the interpretations and meanings in this section assigned to them respectively, unless there be something in the subject or context repugnant to such construction (that is to say):—

"Lease" means a lease, under-lease, assignment operating as a lease or under-lease, or an agreement for such lease, under-lease, or assignment, for a term of which *twenty years* shall be unexpired at the time of giving notice of an intention to exercise the powers conferred by this Act:

"Life lease" means a lease or an agreement for a lease for years determinable on the expiration of a life or lives, or a grant or an agreement for a grant for a life or lives:

"Lessee" includes any person entitled to the equity of redemption in a lease subject to a mortgage; and, where the demised premises are comprised in or affected by a settlement, includes the tenant for life or the person having the powers of a tenant

A.D. 1894.

for life under such settlement or in respect of such settled land:

"Settlement," "settled land," and "tenant for life" have the same meanings respectively as in the Settled Land Acts, 1882 and 1884:

"Freeholder" means any person entitled to the freehold reversion expectant on the determination of a lease or superior or intermediate lease, or if such freehold reversion shall be settled land, or comprised in or affected by any settlement, then the tenant for life or person entitled to exercise the powers of a tenant for life in respect of such settled land or under such settlement:

"Holding" includes any messuage, dwelling-house, shop, cottage, chapel, or other building, and any buildings, yard, garden, pleasure ground, or other piece of land used in connexion therewith, in which the occupier lives or carries on his business or trade:

"Occupying tenant" means any person living in or carrying on business in or on the holding who either—

(*a.*) Hold as lease;

(*b.*) Holds a life lease;

(*c.*) Has occupied the holding continuously with or without a lease at the estimated market value for at least *twenty years;*

(*d.*) Has succeeded his father, mother, sister, or brother in the occupation with or without a lease at the estimated market value when the successive tenure has existed for at least *twenty years;*

(*e.*) In the case of business premises, has purchased the business when such business has been carried on in and on the holding for at least *twenty years:*

"Occupier" means a person residing in or carrying on business in or on a holding without regard to the length of his tenancy:

"Adjacent property" means the whole or part of the street, road, square, or other contiguous property owned by one freeholder:

"Sub-lessor" means any person who has an interest in a holding other than the freeholder, the occupier, or the occupying tenant:

"Local authority" means the mayor, aldermen, and council of any city or municipal borough, and in the metropolis and elsewhere the county council;

"Living in a holding" means sleeping there at least three months in the year and being rated for the payment of rates and taxes:

"Court" means in England the county court for the district wherein any part of the demised premises is situated; in Scotland the court of the sheriff substitute within whose jurisdiction any part of the said demised premises is situated; and in Ireland the land commissioners or sub-commissioners appointed under the Land Law (Ireland) Act, 1881:

"Person" includes a body of persons corporate or unincorporate:

"Prescribed" means prescribed by rules made in pursuance of this Act:

"Reversions" include "remainders":

"Rules" include "forms."

Though the masculine gender is used, this Act is to be read as giving women equal rights to men.

Occupying Tenants.

Occupying tenants may acquire reversions by purchase.

4.—(1.) From and after the commencement of this Act any occupying tenant shall have as incident to and inseparable from his interest in his holding the right to acquire by purchase the reversion expectant or consequent upon the determination of the existing lease, and the reversion or reversions of any sub-lessor or sub-lessors and also the freehold reversion in the holding in the manner hereinafter provided, but an occupying tenant shall not be entitled to exercise such right in respect of part only of the holding except where such part is the subject of a separate tenancy.

(2.) When the interest of an occupying tenant is subject to an incumbrance, then on the purchase by such occupying tenant of such holding the freehold of such holding so purchased shall rest in such incumbrancer in the same manner as if it had been actually conveyed to him by the instrument creating such incumbrance.

(3.) The right to acquire such reversions as aforesaid shall be incapable of being suspended, modified, released, or extinguished.

Power to acquire reversions to be exercised concurrently.

5. When the holding is comprised in an under-lease the powers hereby conferred on the occupying tenant to acquire the reversions expectant upon the terms granted by such under-lease and by any superior or intermediate lease shall be exercised concurrently with the purchase of the freehold reversion in the holding.

Occupying tenant may purchase reversions by agreement.

6. The occupying tenant may agree with the freeholder, the sub-lessor or sub-lessors of the holding, and any tenant for life or person having the powers of a tenant for life under any settlement

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comprising or affecting the holding, to acquire their interests by purchase; and in the case of any such tenant for life or person having the powers of a tenant for life it shall not be necessary, notwithstanding the provisions of the Settled Land Act, 1884, to obtain the leave of or sanction of the High Court of Justice to such agreement, purchase, or sale.

Notice by occupying tenant of intention to acquire freehold.

7.—(1.) When an occupying tenant is desirous of acquiring the freehold of his holding in pursuance of this Act, and cannot agree with the freeholder, sub-lessor, or sub-lessors, as in section six of this Act, he shall make application to the court, which may be in the Form No. 1 in the schedule to this Act, or to the like effect. The occupying tenant shall, with his application, deposit at the court a sum equal to *five* per centum on what he considers the value of the holding as calculated according to section thirty of this Act, and such sums under sections thirty-three and thirty-four of this Act as may be required for valuation and legal charges.

(2.) At the next sitting of the court, the applicant shall appear personally or by agent, and satisfy the court as to his being an occupying tenant within the meaning of the Act. The court shall then, unless it sees any reason to the contrary, appoint a solicitor to carry out the purchase, and remunerate him according to section thirty-three of this Act.

(3.) Within *seven days* of his appointment, the solicitor shall serve upon the lessor or his agent a notice, herein-after called the prescribed notice, which may be in Form No. 2 in the schedule of this Act, or to the like effect.

(4.) Within *twenty-eight days* after the service of the aforesaid prescribed notice, the lessor shall deliver to the solicitor particulars of his interest in the holding. These particulars may be given in the Form No. 3 in the schedule of this Act annexed, or other similar form. Such particulars shall state whether he agrees that the amount named is a fair selling price, or whether he will require another valuation.

(5.) Upon receipt of these particulars the solicitor shall serve upon the sub-lessor or sub-lessors a notice in the Form No. 4 in the schedule to this Act annexed, and each of such persons shall within twenty-eight days from the date of such service, deliver to the solicitor notice of his interest in the holding, which notice may be in Form No. 3 in the schedule hereto or other similar form. Such particulars shall state whether each of such persons agrees that the amount named is a fair selling price, or whether he will require another valuation.

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(6.) Within *three calendar months* of the service of the prescribed notice, or after such extension of time as the court may from time to time authorise, the solicitor shall report to the court on a prescribed form—

(*a.*) Whether the applicant is an occupying tenant of the holding within the meaning of the Act;

(*b.*) Whether the freeholder and sub-lessor or sub-lessors agree to the price named by the occupying tenant;

(*c.*) Whether the title of the freeholder and sub-lessor or sub-lessors is good;

(*d.*) Whether the freeholder and the sub-lessor or sub-lessors agree among themselves as to the way the purchase money is to be divided among them.

Action in case of improper application.

8. In the event of the court, on the report of the solicitor, and if it think proper after taking evidence, deciding that the applicant is not an occupying tenant of the holding within the meaning of this Act, the application shall be dismissed, and the applicant shall forfeit to the court all or any portion of the deposit money, as the court shall decide. It shall be lawful for the court, out of the deposit money, to re-imburse the freeholder and any sub-lessor any loss which the action of the applicant may have involved to any one or all of them.

Action when application proved and all parties agree in price of holding.

9. In the event of the court deciding, on the report of the solicitor, and if it think proper after taking evidence, that the applicant is the occupying tenant within the meaning of this Act, and on the court being satisfied that the freeholder and sub-lessor or sub-lessors are agreed as to the price named, the court shall declare that the sum named is the value of the holding, and *half* the valuation fee deposited under section thirty-five shall be returned to the occupier, and *half* added to the value of the holding. The total sum obtained by adding the value and half the valuation fee shall be declared to be the purchase money of the holding.

Action if valuation not approved by freeholder or sub-lessors for obtaining second valuation.

10. In the event of the court being satisfied, on the report of the solicitor, and if it think proper after taking evidence, that either the freeholder or some one or more of the sub-lessors are not satisfied with the valuation submitted by the occupying tenant, the court shall, unless in the opinion of the court such objection is frivolous, when the court may override it, direct some professional valuer, approved by the said objecting party or parties, to make an independent valuation, and shall order the fee referred to in section thirty-five to be used for that purpose.

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Action if second valuation not approved for final decision of value.

11. In the event of the valuation obtained under clause ten of this Act not agreeing with the estimate submitted by the occupying tenant, and the parties concerned not being satisfied or not coming to an agreement as to the value, the court shall act as follows :—

(*a.*) When the highest value does not exceed *one thousand pounds*, the court shall itself decide the value.

(*b.*) When the highest value exceeds *one thousand pounds*, require the occupying tenant and the valuer appointed under section ten to name a second valuer, whose decision shall be final, or to have the value declared by a jury. In the event of the occupying tenant or valuer not agreeing as to the second valuer or on the appeal to a jury, the court shall decide, and either refer the decision to a jury or name a second valuer. The fees of this valuer or the expenses of the trial shall be paid by the occupying tenant if the valuation is raised, and by the freeholder or sub-lessor or sub-lessors who objected to the first valuation if the first valuation is maintained.

The court shall then declare the amount arrived at under sub-section (*a.*) or (*b.*), as the case may be, to be the purchase money of the holding.

Payment of purchase money into court and issue of certificate of purchase.

12. In the event of the court being satisfied that—

(*a.*) The title of the freeholder and of the sub-lessor or sub-lessors is good ; and

(*b.*) That the freeholder and the sub-lessor or sub-lessors are agreed as to the way the purchase money shall be divided amongst them,

the court shall direct the occupying tenant within two weeks from the date of the order fixing the amount of the purchase money or within such further time as the court may direct, to pay the purchase money (less the amount of deposit specified under section seven) into court in the prescribed manner, and upon such payment he shall be entitled to a certificate of purchase, Form No. 5 in schedule, specifying in the prescribed form the proceedings and determination of the court, and the names and interests of the lessor and other persons to whom the prescribed notice was given, and the restrictive covenants (if any) to which the holding remains subject ; and such certificate shall operate as a conveyance from the day of its date to the applicant of all the interest in such premises that was vested in such lessor or other persons at the date of the application or of the ascertainment of the purchase money.

Distribution of purchase money.

13.—(1.) On receipt of the said sum the court shall give notice not exceeding *one month* to the freeholder, sub-lessor, or sub-lessors

of the intention to distribute the said sum among the persons severally entitled thereto; and on the expiration of such notice, and on being satisfied by affidavits or otherwise of the said lessor and other persons that they still remain entitled to the same, the court shall order the purchase money to be paid over to them according to their respective rights.

(2.) The court shall make such order as in its discretion may be deemed just and expedient in regard to the payment over of such sum as aforesaid, or in regard to the retention by the court of such sum, or any part thereof, pending any further inquiries as to the right of any person to receive the same.

(3.) On the purchase by an occupying tenant of any lease or freehold reversion expectant or consequent on the determination of any term, and which is an estate or interest within the meaning of the Settled Estates Act, 1877, as being subject to a settlement or being settled estate within the meaning of the said Act, or is settled land, or is subject to or comprised in any settlement, the purchase money for such lease or freehold reversion shall be paid to the persons who under the said Acts are thereby authorised to receive and give receipts for capital moneys arising from a sale under the said Acts or either of them, and shall be dealt with and be subject to the same provisions in all respects as if the purchase under this Act were a sale effected by a tenant for life or person having the powers of a tenant for life under the Settled Land Act, 1882.

Provided always, that it shall not be necessary as against the occupying tenant to obtain the consent of any court to the carrying out of any sale to a lessee of any such lease or reversionary interest as aforesaid under the provisions of this Act.

After payment by the occupying tenant of the purchase money or issue of the certificate of purchase by rentcharge in lieu of purchase money, as hereafter provided, the lessee shall not be made a party to any application to the court under the Settled Estates Act, 1877, the Settled Land Act, 1882, and the Settled Land Act, 1884, or any of them, and shall not be liable to any costs, charges, or expenses in or about any application thereunder.

Action when title cannot be readily proved or dispute as to division of purchase money.

14. Where it appears to the court that the title of the freeholder, sub-lessor, or sub-lessors claiming or reputed to be beneficially interested in the holding, cannot be expeditiously deduced or proved, or when the freeholder, sub-lessor or sub-lessors interested in the holding cannot agree as to the division of the purchase money, the court may adjourn the case from time to time for any period not exceeding *twelve months* from the date of

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the declaration of the purchase money with a view of these difficulties being overcome.

Purchase by rentcharge when title cannot be proved or dispute as to division of purchase money.

15. In the event of one or other or both the difficulties referred to in clause fourteen not being overcome, and they appearing to the court to be reasonable, the court shall issue to the occupying tenant a certificate of purchase by rentcharge. Such certificate shall specify in the prescribed Form No. 6 in schedule, the proceedings and determination of the court, and the names and interests of the freeholder, the sub-lessor or sub-lessors, and the restrictive covenants (if any) to which the holding remains subject, the value of the holding as decided by the court, the rentcharges hereafter specified, and such certificate shall operate as a conveyance from the day of its date to the occupying tenant of all the interest in the holding that was vested in the freeholder, the sub-lessor, or sub-lessors, but subject to the payment of the following rentcharge, namely, during the continuance of any lease or agreement either granted to the occupying tenant or to any sub-lessor the rent specified in such lease or agreement unless such rent be less than four pounds per centum on the purchase money, in which case the rent shall be *four pounds* per centum on the purchase money. At the expiration of all the leases and agreements on the holding the perpetual rentcharge payable to the freeholder shall be *four pounds* per centum on the purchase money. In the event of the purchaser by rentcharge not being able to ascertain who is beneficially interested in the existing lease or agreement, it shall be a sufficient discharge for him to pay his rentcharge into court.

Deposit to be returned on rentcharge purchase.

16. On the issue of a certificate of purchase by rentcharge the deposit paid into court under section seven, less any costs that may be due from it by direction of the court, shall be returned to the applicant.

Certificate of purchase or purchase by rentcharge equal to fee simple.

17. The possession of a certificate of purchase or a certificate of purchase by rentcharge shall confer on the owner all the rights and privileges of an owner in fee simple, subject only to the covenants therein contained.

Freeholders selling to Local Authority.

Freeholder may require local authority to purchase adjacent property or rentcharge.

18. Any freeholder, part of whose property has been taken under this Act either by certificate of purchase (section twelve), or by certificate of purchase by rentcharge (section fifteen), who is desirous of selling his reversion of the adjacent property, may make application to the local authority, which application may be on Form No. 7 in the schedule of this Act or to a like effect, and any freeholder having

had his property or part of his property taken by certificate of purchase by rentcharge and who wishes to sell the reversion of that rentcharge, may apply to the local authority, which application may be on Form No. 7 in the schedule of this Act or to a like effect. With this application or these applications he shall deposit an abstract of title and a statement of what he estimates the value of the property he wishes to sell.

Local authority to take action to verify freeholder's application.

19. The local authority may require the applicant or his agent to appear personally before them and satisfy them that he is a freeholder within the meaning of this Act, and the local authority shall ascertain from the court whether any and what portions of the applicant's property have been taken under this Act and the price they were valued at.

Local authority's action concerning title.

20. Within *three months* of the receipt of the application, the local authority shall require their solicitor to report to them whether the applicant has a good title to the property.

Local authority's action in defective title.

21. In the event of the title being defective and the applicant being unable or unwilling to make it good, the local authority may decline the application and shall require the applicant to reimburse any costs the local authority may have incurred.

Action if title satisfactory and price approved by local authority's valuer.

22. In the event of the title being satisfactory to the local authority, the local authority shall direct a professional valuer to report whether the price named by the applicant is the fair value of the property, and on his report agreeing that the sum named is a fair value it shall be declared the purchase money, subject nevertheless to the condition that the local authority, if the property exceed *five thousand pounds* in value, may within two months declare that they are not satisfied and at their own expense require the value to be settled by a jury.

Action when value cannot be agreed to.

23. In the event of the professional valuation not agreeing with the freeholder's estimate of the value, and it being impossible amicably to arrange the value, the question of value shall be decided by a jury, and the costs shall be paid as directed by the judge.

Payment to freeholder.

24. The local authority shall within *three months* of the decision of the value of property pay the freeholder the purchase money, when the freehold shall become vested in the local authority.

All freeholds purchased by local authority to be offered to occupiers.

25. Within *one month* of the value being declared the local authority shall offer the property in portions to each occupier; that is the portion which each occupier occupies shall be offered to him at a price fairly apportioned to each holding so that the price of the portions shall cover the entire cost of the local authority for the purchase money and all reasonable expenses.

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Mode of procedure for purchase by occupiers from local authority.

26. Those occupiers who select to purchase from the local authority shall be dealt with in the following manner :—

(*a.*) Each occupier who holds directly from the freeholder shall elect, within such time as the local authority shall decide, whether he will pay the purchase money and receive a certificate of purchase as described in clause twelve, or whether he will pay a perpetual rentcharge of *four pounds* per centum per annum on the value and receive a certificate of purchase by rentcharge as described in clause fifteen.

(*b.*) Each occupier who holds under a sub-lessor or sub-lessors will receive a certificate of purchase by rentcharge, by which he will continue to pay a rentcharge similar to that paid by an occupying tenant in section fifteen of this Act, as long as any sub-lessor remains interested in the holding, and at the expiration of such term or terms four per centum per annum on the value to the local authority.

Purchase by occupiers from local authority may be by instalments.

27. The local authority shall allow each occupier who purchases his holding by certificate of purchase, or any occupier whose terms of holding under a sub-lessor have expired as explained in section twenty-six (*b.*), to pay the purchase money by instalments spread over not more than *fifteen years*, with interest on the unpaid purchase money of *four per centum* per annum.

Occupiers who do not purchase from local authority.

28. Each occupier who does not select to purchase his holding from the local authority will continue to pay his rent under his existing agreement, and at the expiration of that agreement, if there be any sub-lessor or sub-lessors interested in the holding, and as calculated in section fifteen of this Act, at the end of all terms in which sub-lessors are interested in the holding, then at such rents as the local authority may decide.

Local authority may borrow for this Act.

29. For the purposes of this Act the local authority may from time to time borrow money on such terms as may be approved by the Local Government Board: Provided always, that in all cases a sinking fund be provided so as to repay the capital and interest at the end of not more than *fifty years*.

Mode of assessing Values.

Considerations for assessment of purchase money.

30. In determining the amount of purchase money to be paid in pursuance of any application under this Act, regard shall be had to the following directions :—

(*a.*) The purchase money shall be the sum which is the value of the present interests with the reversions in question expectant upon the determination of the lease;

(*b.*) The purchase money on the application from an occupying tenant shall include a sum equal to *five* per centum on the value of the holding to cover the loss of compulsory sale;

(*c.*) Allowance (*b.*) shall not be made to the freeholder applying under section eighteen.

(*d.*) The value of the occupying tenant's goodwill shall not be considered in fixing the value.

Restrictive Covenants.

Restrictive covenants, which are and which are not to be observed.

31.—(1.) On a purchase by an occupying tenant of a holding under this Act either by certificate of purchase or by certificate of purchase by rentcharge—

(*a.*) All covenants, agreements, and provisions contained in any lease or in any superior or intermediate lease binding the lessee under such lease to do or omit to do any of the following acts or any covenants, provisions, or agreements to the like purport or effect shall be void as from the completion of such purchase, namely,—

(i.) Not to assign, demise, or part with the possession of the demised premises without the consent of the lessor:

(ii.) To furnish to the lessor or his solicitors copies of all deeds of assignment or under-lease:

(iii.) To pay any fee on the registration of any assignment or under-lease:

(iv.) Not to make any structural alteration or addition to the property without the consent, whether in writing or not, of the lessor.

(*b.*) But all covenants, agreements, and provisions binding the lessee to do or omit to do any of the following acts or any covenants, agreements, or provisions to the like purport and effect shall, during the continuance of the term created by the lease in which such covenants are contained, remain in full force and enforceable by action or injunction against the lessee or his successors in title by the person who but for the purchase by the lessee under this Act would for the time being be entitled to enforce such covenants and by the local authority—

(i.) To make or construct any buildings or roads or to contribute towards the cost of construction or maintenance of roads, party walls, sewers, drains, wells, and any other conveniences used in common with the adjoining owners, occupiers, or lessees:

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(ii.) To repair and keep the premises in repair :

(iii.) To insure from damage by fire, whether in any particular office or offices or not, and to reinstate the premises in case of damage by fire :

(iv.) To pay rates, taxes, land tax, tithe or other outgoings :

(v.) To exercise or not to exercise on the demised premises any particular trade or business, or to deal with any particular person or company, or to use the property only in a particular manner, or against committing or permitting nuisances :

(vi.) To do any act which may or will be beneficial to the demised premises or to any other property of the lessor or his superior landlord or tenant, or to abstain from doing any act which may or will be prejudicial to the demised premises :

(vii.) Any other restrictive covenants, agreements, or provisions.

(2.) Provided nevertheless, that where in pursuance of this Act the lessee has obtained a release from the observance of any covenants, the local authority may enforce against him any bye-laws or regulations made under or by virtue of powers granted to such local authority by Act of Parliament; and the local authority may also in its discretion give any further release of covenants other than the releases provided under this Act, and may also restrain the lessee from so dealing with the demised premises, either by doing or omitting to do any act in connexion therewith, as will, in the opinion of such local authority, prejudicially affect adjoining owners.

Local authority to enforce covenants.

32. In the events of the covenants referred to in section thirty-one (*b.*) not being performed by a purchaser either by certificate of purchase or certificate of purchase by rentcharge, it shall be lawful for any occupier on the adjacent property to give notice to the local authority, and the local authority shall, subject if it thinks fit to an appeal to the court, require such purchaser to perform such covenant or covenants, and to pay all costs involved in the enforcing of the same.

Scale and Regulation of Fees.

Scale of costs to be paid by occupying tenant.

33.—(1.) The costs of the occupying tenant in connexion with the application to the court and any other proceedings under this Act up to the payment of the purchase money or the issue of the

certificate of purchase by rentcharge, shall be borne and paid by the occupying tenant, and the court shall make such order as may be required for the payment of the said costs out of the deposit in court, and for the repayment of the balance of such deposit (if any), but if any costs remain unpaid they shall be an equitable charge upon the occupying tenant's interest in the holding, and the balance so remaining shall be paid in such manner as the court may direct.

(2.) In taxing costs under this Act only one set of costs shall be allowed as payable by the occupying tenant, except in cases where the court shall otherwise decide.

(3.) In respect of every purchase taking place under this Act there shall be paid by the occupying tenant for the solicitors costs for deducing the title to such interest and for investigating the title of the occupying tenant and for completing the conveyance, the following fees, exclusive of stamps, fees paid to public officers on registration, and costs of extracts from any register, record, or roll, or other disbursement reasonably and properly paid, that is to say,—

Where the purchase money does not exceed *1,000l.* -	*30s.* per 100*l.* of purchase money.
For the second and third *1,000l.*	*20s.* per 100*l.*
For the fourth and each subsequent *1,000l.* and up to *10,000l.* - - -	*10s.* per 100*l.*
For the eleventh and all subsequent *1,000l.* - - -	*5s.* per 100*l.*

Fractions of 100*l.* being reckoned as 100*l.*

The division of these fees between the solicitor appointed by the court and the solicitor representing the freeholder and sub-lessor or sub-lessors shall be decided by the court.

Scale of valuation fee.

34.—(1.) The cost of the valuation fee in connexion with the application by an occupying tenant to the court under this Act shall be borne by the occupying tenant, and paid into court at the time of the application (section seven).

(2.) In respect of the valuation under this Act, the following fees shall be paid, that is to say,—

When the valuation does not exceed *1,000l.* -	*20s.* per 100*l.*
For the second and third *1,000l.* - -	*10s.* per 100*l.*
For the fourth and each subsequent *1,000l.* up to *10,000l.* - - - -	*5s.* per 100*l.*
For the eleventh and all subsequent *1,000l.* -	*2s. 6d.* per 100*l.*

Fractions of 100*l.* being reckoned as 100*l.*

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Scale of freeholder's costs of sale to local authority to be paid by local authority.

35.—(1.) On the sale by a freeholder under this Act up to the payment of the purchase money, the costs shall be borne and paid by the local authority, and the local authority shall make such order as may be required for the payment of the said costs, and if any costs remain unpaid they shall be an equitable charge upon the local authority.

(2.) In taxing costs under this Act only one set of costs shall be allowed as payable by the local authority except in cases where the local authority may otherwise decide.

(3.) In respect of the sale under this Act there shall be paid by the local authority for the solicitors costs for deducing the title, for investigating the title, and for completing the conveyance to the local authority, the following fees, exclusive of stamps, fees paid to public officers on registration, and costs of extracts from any register, record, or roll, or other disbursements reasonably and properly paid, that is to say,—

When the purchase money does not exceed *100l.*	*30s.* per 100*l.* of the purchase money.
For the second and third *1,000l.*	*20s.* per 100*l.*
For the fourth and each subsequent *1,000l.* up to *10,000l.*	*10s.* per 100*l.*
For the eleventh and all subsequent *1,000l.*	*5s.* per 100*l.*

Fractions of 100*l.* being reckoned as 100*l.*

These fees shall be divided equally between the solicitor appointed by the local authority and the solicitor of the freeholder.

Valuation fee of sale by freeholder to be paid by local authority.

36. The cost of the valuation in connexion with a sale under this Act by a freeholder shall be borne by the local authority, and shall be on the same scale as those given in clause thirty-four.

Costs in case of default of occupying tenant or freeholder or of unfounded claim.

37. Where the occupying tenant or freeholder has wilfully or negligently delayed or made default in proceeding with his application, or where any party to the application under this Act has in the opinion of the court made an unfounded claim or contention, the court may, in its discretion, make an order requiring such person to pay the whole or any portion of the costs which may have been incurred by reason of such default or unfounded claim.

Persons not qualified to benefit by this Act.

Persons not qualified to benefit by this Act.

38. Nothing in this Act shall entitle the following persons to claim the benefit of this Act as occupying tenants:—

(*a.*) Clergymen, ministers of religion, public servants, managers of businesses, and other persons who occupy holdings on

account of their profession, trade, or calling, whether they pay a commercial rental or not;

(*b.*) Persons who reside in holdings belonging to their employers, whether they pay a commercial rental or not;

(*c.*) Persons who reside in portions of buildings, flats, or other divided holdings;

(*d.*) Persons who occupy buildings as pensioners or from philanthropic considerations.

Subsequent sales, &c. may be effected at court at fixed fee.

39. In all subsequent dealings with a holding for which a certificate of purchase or a certificate of purchase by rentcharge has been obtained, the production of such certificate by the person named in it or by his executor or assigns shall, on proof of identity to the satisfaction of the court, be an absolute title of the holder's possession of the fee simple without the production of any further documents. A sale or transfer of such fee simple may be effected at the court by an endorsement on such certificate or by the issue of a new certificate, as the court may decide, after the due stamps have been affixed. The fee for such sale or transfer shall be *three guineas* and *five shillings* per centum, and shall be paid to the solicitor appointed by the court to prepare the documents and to arrange for carrying out the transaction.

Miscellaneous Enactments.

Provision for cases of disability.

40. In the event of the disability, by infancy, coverture, insanity, or otherwise, of any person who but for such disability would have been entitled to the benefit of this Act or to be treated as a lessor or person beneficially interested under this Act, the powers and duties of such person shall devolve upon his trustee, committee, guardian, or person who is entitled to receive the rent or profits of his estate on his behalf.

Trustees may purchase under certain conditions.

41. Nothing in this Act contained shall authorise any trustee or legal representative to make an application under this Act, unless he be authorised thereto by the consent of all necessary persons or by the nature of his trust, or be permitted by an order of a judge of the High Court of Justice, who shall have power on petition to grant such permission if he shall see fit to do so; and with such sanction any moneys, stocks, funds, or securities subject to the trust may be applied in the purchase of the reversions of any demised premises in pursuance of this Act, and the premises so acquired shall be conveyed to the trustees as the court shall in its discretion direct.

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Provision in case of irregularities.

42. Where any of the parties make default in complying with any of the obligations imposed on them by this Act, or where any error, omission, or irregularity takes place in any proceedings under this Act owing to inadvertence, it shall be lawful for the court to grant any relief that it may deem just, either by extension of time or rectification of any previous order, or otherwise howsoever, upon such terms and conditions as may be deemed expedient.

Limitation in certain cases of right to apply to court.

43. If the application of any occupying tenant be dismissed, or he, in the opinion of the court, unduly delay to complete the purchase, or his right to the benefit of this Act be determined against him, or he decide and be permitted no further to proceed for any reason, he shall pay all costs, and he and all persons claiming by, through, or under him by virtue of any assignment, sub-demise, or other transfer of interest subsequent to the date of his said application, shall be barred from taking further proceedings under this Act for the space of *five years* without special leave from the court. And in no case shall he or they take any further proceedings without first paying all such costs as may be ordered by the court in respect of the said application.

Appeals.

44.—(1.) All orders of the court shall be subject to appeal on matters of law in England in the same manner as appeals are now made from the decisions of county court judges on matters of law; in Scotland in the same manner as appeals are now made from the decisions of sheriffs; and in Ireland in the same manner as appeals are now made from the decisions of the Land Commissioners. All orders relating to costs, and all decisions of the court on matters of fact or in the exercise of its discretion, shall in like manner be subject to appeal by leave, either of the judge or of the court before which the appeal is to be heard.

(2.) No appeal shall be beyond the divisional court in England, the Court of Session in Scotland, and the Queen's Bench, Common Pleas, or Exchequer in Ireland, without leave from the said courts or from the court before which such appeal is to be heard, which shall in each case be the court to which ordinarily appeals are made from the before-mentioned courts respectively.

(3.) In case of appeals all costs thereof shall be in the discretion of the court to which appeal is made.

Rules.

45. Rules for the purposes of this Act may be made and altered from time to time by the like persons and in the like manner in which rules may be respectively made under and for the purposes of the County Courts Acts in England, of the Sheriffs

Courts Acts in Scotland, and of the Civil Bill Courts Acts in Ireland. A.D. 1894.

Forms in schedule.

46. Any deeds, notices, or other documents in the form contained in the schedule to this Act annexed, or to the like purport and effect as may be prescribed, shall as regards form and expression in relation to the provisions of this Act be deemed sufficient for all purposes.

Notices may be printed or written.

47. Notices, orders, and other documents under this Act may be in writing or print, or partly in writing and partly in print, and when issued by the court shall be deemed sufficiently authenticated if they bear the official seal of the court.

Service of notices.

48. Any notice, order, or document required or authorised by this Act to be served on any person may be served—

(*a.*) By delivering the same to such person; or

(*b.*) By leaving the same at the usual or last known place of abode of such person; or

(*c.*) By forwarding the same by post in a prepaid registered letter addressed to such person at his usual or last known place of abode.

If the notice is served by post it shall be deemed to have been served at the time when the letter containing the notice would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post.

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SCHEDULE.

FORM No. 1.

NOTICE of DESIRE by an OCCUPYING TENANT to EXERCISE the POWERS of this ACT.

In pursuance of the provisions of the Occupying Tenants Enfranchisement Act, 1894, I
of
occupying tenant of the holding herein-after mentioned, do hereby give notice to the county court at , that I intend to exercise the powers of the said Act, and to obtain a certificate of purchase or a certificate of purchase at rentcharge of the holding, particulars of which, with a plan, are given below. And I inform the court that I am willing to submit myself to the provisions of the said Act, and to purchase, pursuant to the said Act, the said property.

I hold the holding from
of
and pay the annual rental of
and I append the lease, agreement, or other instrument under which I am the occupying tenant.

I value the holding, if sold by a willing seller to a willing purchaser, at £ to which I add five per centum for compulsory sale; total £ . I append a valuation by of the firm of

[*Note.*—This may be sent or not, at the applicant's option.]

Accompanying this application, I have this day paid to the court the sum of £ being five per cent. on the above sum, together with £ for the solicitors charges and £ for the valuation fee in accordance with sections 33 and 34 of the said Act.

Dated this day of 18 .

Signature
Address
State how an occupying tenant

The particulars of the holding above referred to.

Here describe the holding according to the usual postal address. Give a plan, either drawn on the Form or appended thereto, and signed by the applicant, and add the words, "and which description is correct, and is intended to describe the property comprised in the above application in respect to which this notice is given."

To the Judge of
The County Court
at

A.D. 1894.

Form No. 2.

The Prescribed Notice.

To Mr.

In pursuance of the provisions of the Occupying Tenants Enfranchisement Act, 1894, I, , of , the solicitor appointed by the County Court of , hereby give you notice that Mr. of occupying tenant of intends to exercise the powers of the said Act and to purchase the freehold of the said holding, and that he is willing to submit himself to the provisions of the said Act, and to purchase, pursuant to the said Act, the said property, and I require from you in writing, addressed to me at , the following particulars:—(1.) In the event of your holding the premises under a lease or leases—(*a.*) The date of such lease or leases. (*a.* 1.) The term or terms for which the premises are held. (*b.*) The names and addresses of the lessors so far as you can supply the same, and of the agents of the lessors if known to you. (*c.*) The names and addresses of the agents or persons to whom you made the last payment of rent in respect of the property comprised in such lease or leases. (*d.*) The amount of rent reserved by the lease or leases for the remainder of the term of the lease or leases. (*e.*) And if the same relates to any other property than that comprised in the lease, in respect of which I give this notice, the short particulars and description of such other property. Mr. has valued the holding at £ together with five per cent. for compulsory sale, total £ , and I require you to state in writing whether you agree to the above being a fair sum as purchase money for the freehold, with all the interests and property comprised in the notice in writing now given to you.

(2.) In the event of your being entitled to the freehold reversion expectant or consequent upon the determination of the lease now held by Mr. as lessee, I require you to state the particulars of your interest in the said property, and whether you agree that the above-named amount is a fair sum for the freehold, or whether you will require a fresh valuation.

Dated this day of 18 .

(Signature)

Here to follow a copy of the description sent in by the occupying tenant with Form No. 1.

Form No. 3.

Particulars of Lessor's or Freeholder's Interest and Price for Sale.

I, the undersigned of , or the undersigned duly authorised agent for this purpose of of in reply to your notice that the occupying tenant desires to exercise the powers of the Occupying Tenants Enfranchisement Act, 1894,

A.D. 1894.

dated day of 18 , hereby inform you that the premises mentioned in your said notice, and in respect of which he is now paying the rent of £ , were granted or demised by indenture of lease (or leases) bearing date (respectively) the day of (and the day of) and made between for a term of years from the day of , and that the same are held by me under an indenture of lease (or leases) bearing date (respectively) the day of and made between and for a term of years from the day of at a rent or rents of £ per annum, payable (free from all deductions whatsoever except income tax) (or that I hold the same in fee simple), and I agree that the sum named of £ , together with five per cent. for compulsory sale, total £ , is a fair amount *or* I do not consider the sum named sufficient and demand a fresh valuation, estimating the holding as worth £ , together with five per cent. for compulsory sale.

If held by the lessor under a lease state the following particulars.

State if any charges or taxes are payable out of the rent by the lessor.

Dated this day of 18 .

Yours, &c.

FORM No. 4.

PARTICULARS of SUB-LESSOR'S INTEREST.

Having been informed by of that the under-mentioned premises are comprised in a lease (or leases) dated the , and made between for a term of years and of another year from the day of at the yearly rent or rents of £ payable [quarterly] (free of all rates and taxes except property tax), and that you are entitled as lessor to the rents and profits of such premises, I, the solicitor appointed by the county court at , hereby inform you that on the day of in pursuance of the powers of the Occupying Tenants Enfranchisement Act, 1894, I sent a notice in writing (a copy of which purports to be enclosed herewith) to the lessor under whom the present occupying tenant holds the under-mentioned premises, and offered on his behalf to submit to the provisions of the above-mentioned Act, and pursuant to the provisions thereof, I require you within one calendar month from the date hereof to deliver to me in writing at a notice in writing stating the following particulars.

Recite the facts from notice given in Form No. 2.

1. } Copy remainder of notice from Form No. 2.
2. }

A.D. 1894.

Form No. 5.

Form of Conveyance.

Certificate of Purchase of Fee Simple.

Pursuant to the Occupying Tenants Enfranchisement Act, 1894, [*A.B.*] of having paid the sum of £ to the freeholder, sub-lessor, or sub-lessors to be divided among them as they have agreed by the county court at , I, [*C.D.*] the county court judge at hereby convey to [*A.B.*] all [insert usual description of the holding and plan of same] to hold the same unto and to the use of the said [*A.B.*] in fee simple according to the true intent and meaning of the said Act.

In witness whereof I have hereunto set my hand and seal of the county court at this day of 18 .

Witness.

[*C.D.*] L.S.
[*A.B.*]

Schedule of ascertained covenants and agreements to which the holding is subject.

Note.—This covenant must have the usual conveyance stamp attached before being executed.

Form No. 6.

Certificate of Purchase by Rentcharge.

Pursuant to the Occupying Tenants Enfranchisement Act, 1894, in consideration of the herein-after mentioned rentcharges to be paid as under by [*A.B.*] of , I [*C.D.*], the county court judge at do convey to the said [*A.B.*] all [insert usual description of holding and plan of same] to hold the same and to the use of the said [*A.B.*] in fee simple, according to the true intent and meaning of the said Act. The said [*A.B.*] yielding and paying to the persons herein-after named the clear yearly rents set forth in the schedule hereto attached by half-yearly payments henceforth on the 24th June and the 25th December in each and every year clear of all taxes and deductions (except income or property tax). The first full payment to be made on the day of 18 next and a proportionate part amounting to £ on the day of 18 .

In witness whereof I have hereto set my hand and seal and the seal of the county court at this day of 18 .

[*C.D.*] L.S.
[*A.B.*]

A.D. 1894.

Schedule of ascertained covenants and agreements to which the holding is subject.

Schedule of rentcharges as follows:

The rentcharge of £ per annum is payable up to and including the day of 18 .

The rentcharge of £ per annum is payable from the day of 18 to the day of 18 .

The rentcharge of £ per annum is payable from the day of to the day of 18 .

From the day of 18 , and for ever the rentcharge of , being equal to four pounds per centum on the purchase money of £ as ascertained by the owner to be the value of the holding.

N.B.—The above certificate should be executed in duplicate.

This certificate must have the usual conveyancing stamp attached before being executed.

FORM No. 7.

NOTICE of a DESIRE by a FREEHOLDER to SELL to the LOCAL AUTHORITY adjacent PROPERTY to that PURCHASED by an OCCUPYING TENANT.

In pursuance of the provisions of the Occupying Tenants Enfranchisement Act, 1894, I, of lately freeholder of holding at recently purchased from me under the above Act, hereby give notice to the local authority of the that I wish to exercise the powers of the said Act, and to sell to the local authority the adjacent property of which I am the freeholder [{or / and} the reversion of the rentcharge or rentcharges recently purchased by] of which I append a schedule. I inform the local authority that I am willing to submit myself to the provisions of the said Act and to sell pursuant to the said Act. I append an abstract of title, and the solicitor who will act for me is . I value the property at £ , and I append a schedule of items [and a valuation by Messrs. of]. (*Note.*—This may be sent or not at the applicant's option.)

Signed .

Address .

day of 18 .

SCHEDULE A.

Full details and plans of property.

SCHEDULE B.

Full details and value as estimated by freeholder.

SCHEDULE C.

Value of portions purchased by certificate of purchase at rentcharge as fixed by the court.

Occupying Tenants Enfranchisement.

A

B I L L

To enable Occupying Tenants of Houses and Places of Business to purchase the Fee Simple of their Holdings.

(Prepared and brought in by Mr. Bartley, Sir F. Seager Hunt, and General Goldsworthy.)

Ordered, by The House of Commons, *to be Printed,* 20 *March* 1894.

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[*Price* 3*d.*]

[Bill 111.]

Old Age Pensions (No. 2) Bill.

ARRANGEMENT OF CLAUSES.

Power to grant, and nature of, Old Age Pensions.

Clause.
1. Power to grant old age pensions.
2. State aid for obtaining old age pensions.
3. Old age pensions to be obtained through the Post Office.
4. Conditions as to amount, &c. of old age pensions.
5. Conditions as to return of premium on lapse of contract.

Old Age Pension Contracts and Payment of Premiums.

6. Application for contracts.
7. Contract books.
8. Premiums on old age pension contracts.
9. Payment and acknowledgment of premiums.
10. Lapse of contract on nonpayment of premiums.
11. Withdrawal of contract.
12. Power to enter into additional contracts.

Provisions on lapse of Contract.

13. Lapse of money returnable contracts.
14. Lapse of money not returnable contracts.
15. Lapse of limited money returnable contracts.
16. Payment of amounts returnable in case of death.

Payment of Old Age Pensions.

17. Payment of old age pensions by coupons.
18. Payment of pension in case of insane person, &c.

Old Age Pension Fund.

19. Establishment of old age pension fund.
20. Payment of expenses of carrying out Act.

Powers of Friendly Societies and Employers with regard to Old Age Pensions.

Clause.
21. Contracts for old age pensions through friendly societies.
22. Payment of premiums by employers.

Rules and Tables.

23. Protection of Postmaster-General, &c.
24. Power to make rules.
25. Power to make tables.
26. Laying of rules and tables before Parliament.

Supplemental.

27. Applications to be made in person.
28. Pensions to be inalienable.
29. Exemption from stamp duties.
30. Delivery of books to Post Office.
31. Issue of new contract books.
32. Penalty for false declaration, forging documents, &c.
33. Saving for insurances, &c. under other Acts.
34. Short title and extent of Act.

A

B I L L

TO

Establish voluntary State-aided Old Age Pensions. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Power to grant, and nature of, Old Age Pensions.

Power to grant old age pensions.

1. The National Debt Commissioners may contract under this Act to grant deferred annuities to be paid to persons on reaching old age by way of weekly allowance in consideration of the payment of such premiums, and generally on such terms as are provided in this Act, and those deferred annuities are in this Act referred to as old age pensions, and the contracts for those pensions as old age pension contracts.

State aid for obtaining old age pensions.

2. *For the purpose of assisting persons to obtain old age pensions, the Treasury shall, where any sum is paid as a premium to the National Debt Commissioners on account of an old age pension, pay out of the Consolidated Fund a like sum to these Commissioners, and the sum so paid by the Treasury shall be credited to the person paying the premium as if it had been paid by him, and the old age pension shall be calculated accordingly.*

Old age pensions to be obtained through the Post Office.

3. Old age pensions may be obtained through the Post Office, and for that purpose the Postmaster-General may, with the consent of the Treasury, direct such officers of the Post Office as he thinks fit to enter into contracts, receive premiums, *pay pensions,* and generally do all acts on behalf of the National Debt Commissioners which may be necessary for carrying out the system of old age pensions, and the officers of the Post Office shall give full information and assistance to all persons who desire to obtain old age pensions or have entered into contracts for those pensions.

Conditions as to amount, &c. of old age pensions.

4.—(1.) Old age pensions under this Act—

(i.) Shall not be granted so as to commence before the age of *sixty-five years.*

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(ii.) Shall be paid by equal weekly allowances.

(iii.) Shall be of such an amount that the weekly allowance is not less than *three shillings and sixpence* and not more than *ten shillings*, and is either one of these sums or an exact number of shillings between these sums.

(2.) Any person may contract for an old age pension if he has completed the *sixteenth* but has not completed the *sixty-fourth* year of his age.

Conditions as to return of premium on lapse of contract.

5. Old age pensions contracts may be made on any of the following conditions with respect to the mode of dealing with the money paid on account of premiums in the event of the lapse of the contract for the pension :—

(1.) The contract may be made on the condition that no money paid on account of premiums should be returned to the person making the contract for the pension in the case of the lapse of the contract, owing to the death of the person making the contract, or any other cause, and these contracts are in this Act referred to as "money non-returnable contracts."

(2.) The contract may be made on the condition that the amount actually paid by the person making the contract on account of premiums shall be returned without interest to him or his representatives in case of the lapse of the contract, owing to the death of the person making the contract, or any other cause, and these contracts are in this Act referred to as "money returnable contracts."

[(3.) The contract may be made on the condition that in the case of the lapse of the contract owing to the death of the person making the contract the money actually paid by him on account of premiums shall be returned without interest to his representatives, and these contracts are in this Act referred as "limited money returnable contracts."]

Old Age Pension Contracts and Payment of Premiums.

Application for contracts.

6.—(1.) Applications for old age pension contracts may be made at any post office at which those applications are authorised by the Postmaster-General to be received.

(2.) An applicant for an old age pension contract shall on application specify his full Christian names and surname, his age, occupation, and residence, and such other particulars as may be required under the rules made in pursuance of this Act, and shall give proof to the satisfaction of the Post Office of the particulars specified.

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(3.) An applicant shall also make a declaration, either to the effect that he is not entitled to an old age pension contract, or if he is entitled to an old age pension contract, stating the particulars of that contract.

(4.) A declaration under this section may be taken before and witnessed by the officer of the post office to whom application is made for a contract, a justice of the peace, any minister of religion, or any other person appointed for that purpose, either generally, or in any special case by the Postmaster-General.

Contract books.

7. When a person contracts for an old age pension under this Act the officer of the post office through whom the contract is made shall enter the particulars of the contract in a book (in this Act referred to as a contract book), and shall deliver the contract book to the person contracting for the pension.

Premiums on old age pension contracts.

8. Premiums on old age pension contracts shall be paid annually at the post office at which the contract has been granted, or at such other post office as may be determined under rules made in pursuance of this Act, and shall be due on the day on which the contract is made and on each anniversary of that day up to and including the first anniversary which occurs after the day on which the person holding the contract for the old age pension has attained the age at which the pension becomes payable; provided that on the day on which the contract is made *one quarter* only of the full annual premium shall be payable by the person making the contract for the old age pension as the premium for the first year.

Payment and acknowledgment of premiums.

9.—(1.) Where any person pays a premium on account of an old age pension, he shall produce to the officer of the post office who receives the premium his contract book, and that officer shall enter in the book a statement of the receipt of the premium, and shall sign the statement and stamp it with the date stamp of his office.

(2.) The receipt of any premium on account of an old age pension shall be forthwith reported by the officer receiving the premium to the Postmaster-General, and the Postmaster-General shall cause an acknowledgment of the receipt to be sent to the person who is entitled to the contract on account of which the premium is paid.

(3.) If an acknowledgment of the receipt of the premium is not received from the Postmaster-General within *ten days* after the payment thereof, it shall be the duty of the person entitled to the contract on account of which the premium is paid to demand an acknowledgment from the Postmaster-General, and if the acknow-

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ledgment is not then received, to continue so to demand the same until it is received.

(4.) If no acknowledgment is received within *twelve months* from the date of payment of the premium, the statement of receipt in the contract book shall be conclusive evidence that the premium has been paid so far as regards the right of the person entitled to the contract to an old age pension.

Lapse of contract on nonpayment of premiums.

10.—(1.) If a premium on an old age pension contract is not paid within *fourteen days* of the day on which it is due, the sum of *one shilling* shall be payable for the purpose of renewing the contract by the person entitled to the same as an addition to the premium.

(2.) If the annual premium and any additional sum payable under this section is not paid within *thirty days* of the day on which the premium was due, the old age pension contract shall, subject to the provision of this section, lapse, and a pension shall not be payable in respect thereof.

(3.) Where a premium due on an old age pension contract is unpaid, the Post Office shall within *four days* of the day on which the premium became payable send to the person entitled to the contract a notice marked "first notice," informing the holder that the premium is due and stating the provision of this section, and if, after the expiration of *ten days* from the day on which that notice is sent, the premiums or any additional moneys payable remain unpaid, shall within *four days* send a notice marked "final notice," stating the amount payable on account of the premium, and the provisions of this section, and stating also that no further notice will be sent.

(4.) Where an old age pension contract has lapsed under this section, and it appears to the Postmaster-General, on the application of the person who was entitled to the contract, that, owing to want of notice, or otherwise, any injustice or hardship has been caused to that person by reason of the lapse of his contract, the Postmaster-General may, if he thinks fit, declare that the contract is not lapsed under the section, and may make such declaration, on any terms and conditions, as to the payment of any sums in addition to the premium in arrear, or otherwise as he thinks fit.

Withdrawal of contracts.

11. A person entitled to an old age pension contract may withdraw his contract on giving notice to the Post Office in manner prescribed by rule made in pursuance of this Act, and if the contract is a money returnable contract shall, on withdrawal, be entitled to a return of the amount paid by him by way of premiums,

or to an exchange contract in like manner as if his contract had lapsed.

Power to enter into additional contracts.

12.—(1.) A person entitled to an old age pension contract, or to an exchange contract, granted under the provisions of this Act, or both, may enter into additional old age pension contracts, provided that the aggregate amount of the weekly allowances which will become payable in respect of the pensions secured by all the contracts does not exceed the sum of *ten shillings* a week.

(2.) Any additional old age pension contracts shall be made in the like manner and be subject to the like provision as the old age pension contract originally made.

Provisions on lapse of Contract.

Lapse of money returnable contracts.

13.—(1.) Where a money returnable contract has lapsed otherwise than by the death of the person entitled to the contract, that person shall be entitled at his option either to the repayment without interest of the amount actually paid by him on account of premiums, or to a contract (in this Act referred to as an exchange contract) entitling him to an old age pension of such an amount as is fixed by the exchange tables made under this Act, having regard to the amount of premium standing to his credit in respect of the contract.

(2.) Where a money returnable old age pension contract has lapsed by the death of the person entitled to the contract, his representative shall be entitled to the repayment without interest of the amount actually paid by him on account of premiums.

(3.) Where on the lapse of a money returnable contract the amount of the premiums actually paid is repaid to the person entitled to the contract or to his representatives, the amount of the premium paid by the Treasury in respect of the contract shall be repaid to the Treasury.

Lapse of money not returnable contracts.

14. Where a money not returnable contract lapses otherwise than by reason of the death of the person entitled to the contract, that person shall be entitled on application, not more than *four months* after the date on which his contract lapsed, to an exchange contract for an old age pension of such an amount as is fixed by the exchange tables made under this Act, having regard to the amount of premium standing to his credit in respect of the contract.

Lapse of limited money returnable contracts.

15. Where a limited money returnable contract lapses by reason of the death of the person entitled to the contract, the representatives of that person shall be entitled to the repayment without

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interest of the amount actually paid by that person on account of premiums.

Payment of amounts returnable in case of death.

16.—(1.) A person entitled to a money returnable contract or to a limited money returnable contract may nominate in such manner as may be prescribed by rules made in pursuance of this Act any person to receive the amount returnable to his representatives in case of his death, and if a nomination is so made the person nominated shall be entitled to receive the amount returnable as the representative of the deceased person, notwithstanding any other disposition made of that amount by the deceased person, whether by will or otherwise.

(2.) Where a person entitled to a money returnable contract or a limited money returnable contract dies and has made no nomination, the Postmaster-General may, if he thinks fit, direct that probate or other proof of the title of the personal representative of the deceased may be dispensed with, and that the amount returnable to the representatives of the deceased be paid to or distributed among the persons appearing to the Postmaster-General to be beneficially entitled to the personal estate of the deceased, or to or among any one or more of those persons, or, in case of the illegitimacy of the deceased, to or among such persons as the Postmaster-General thinks fit, and the Postmaster-General and any officer of the Post Office making the payment or distribution shall be discharged from all liability in respect of that payment or distribution.

(3.) Where a payment is made to any person under this section the receipt of that person shall be a good discharge to the Postmaster-General for the sum paid.

(4.) No probate, legacy, or succession duty, or other like tax shall be payable in respect of any amount returnable under a money returnable or limited money returnable contract in pursuance of this Act.

Payment of Pensions.

Payment of old age pensions by coupons.

17.—(1.) An old age pension shall become payable from the date of the payment of the last premium due on the anniversary occurring next after the *sixty-fifth* birthday of the person entitled to the old age pension contract, or in the case of a person entitled to an exchange contract from his *sixty-fifth* birthday.

(2.) A person entitled to an old age pension contract or to an exchange contract may, on application at the Post Office within *one month* of the day on which the pension will become payable, and on

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stating the name of the office at which he wishes the pension to be paid, obtain, in the manner prescribed by rules made in pursuance of the Act, from the Post Office a book, in this Act referred to as a pension book, containing coupons attached to counterfoils, numbered and dated consecutively for each week, commencing from the day when the first weekly allowance on account of the pension becomes payable, and stating the name of the person entitled to the pension, the name of the office at which the pension is to be payable, the amount of the pension, and such other particulars as may be prescribed by rules made under this Act.

(3.) Each coupon shall authorise the payment to the person entitled to the pension of the allowance due on account of his pension for the week ending on the day the date of which the coupon bears, and the person entitled to the pension shall be entitled to obtain payment of the allowance by presenting the coupon signed by him at the office stated in the coupon at any time after the date which the coupon bears.

(4.) On payment of a coupon the person entitled to the pension on account of which the coupon is paid shall deliver his pension book to the officer of the post office who pays the coupon, and that officer shall make an entry of the amount paid and the date of payment on the counterfoil of the coupon, and shall sign the entry and stamp it with the date stamp of his office.

(5.) The pension book shall contain such number of coupons as may be fixed by rules made under this Act, and a person entitled to a pension may at any time within *a fortnight* before the date which the last coupon in his pension book bears, obtain in manner prescribed by rules made in pursuance of this Act another pension book containing coupons dated from the expiration of the last coupon in his former book.

(6.) A person entitled to an old age pension may change the post office at which his pension is to be paid in such manner and subject to such regulations as may be determined by rules made in pursuance of this Act.

(7.) The Postmaster-General may, before paying the first coupon on account of an old age pension, require the person presenting the same to give proof to the satisfaction of the Postmaster-General, by the production of his contract book or otherwise, either that the last premium due on account of the pension has been paid, or that the pension is due on an exchange contract.

Payment of pension in case of

18. Where any person entitled to a pension appears to the Postmaster-General to be insane or otherwise incapacitated to act, the

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insane person, &c.

Postmaster-General may direct the payment of the pension to such person as he thinks fit on behalf of the person entitled to the pension, and the receipt of the person to whom the pension is so paid shall be a good discharge for the same.

Old Age Pension Fund.

Establishment of old age pension fund.

19.—(1.) All moneys received by the National Debt Commissioners on account of premiums for old age pensions or otherwise in pursuance of this Act shall be paid by them to a separate fund to be called the "Old Age Pension Fund."

(2.) *If the amount standing to the credit of the old age pension fund is at any time insufficient to meet the payments which under this Act are required to be made out of that fund, the Treasury shall pay to that fund out of the Consolidated Fund a sum sufficient to meet the deficiency.*

(3.) If the amount standing to the credit of the old age pension fund is at any time in excess of the amount of the estimated liabilities of the fund, the National Debt Commissioners may, with the consent of the Treasury, apply the whole or any part of the excess towards the reduction of the National Debt.

(4.) The National Debt Commissioners shall invest any sums standing to the credit of the old age pension fund and not immediately required to meet the payments and expenses chargeable to that fund upon such securities and in such manner as they are authorised to invest money received by them on account of deposits in Post Office savings banks, and may vary and transpose any such investment.

(5.) The National Debt Commissioners shall cause separate accounts to be kept of all moneys received by them on account of premiums for old age pensions, and of all moneys paid by them on account of those pensions, and on account of their expenses under this Act, and at the end of every financial year shall cause a statement to be prepared showing the amounts received and paid during the year on account of old age pensions or expenses, and also showing the total amount standing to the credit of the fund, and the total amount of the estimated liabilities of the fund, and shall cause that account to be laid before both Houses of Parliament.

Payment of expenses of carrying out Act.

20.—(1.) All expenses incurred in carrying this Act into effect and all payments on account of old age pensions shall be paid out of the old age pension fund by the National Debt Commissioners.

(2.) *The Postmaster-General may apply any money for the time being in his hands for the payment of pensions or other expenses*

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under this Act, but shall be repaid any sums so applied by the National Debt Commissioners out of the old age pension fund.

(3.) Any premiums or other moneys received by the Postmaster-General in pursuance of this Act on account of old age pensions shall be paid by him to the National Debt Commissioners.

(4.) The Postmaster-General shall cause separate accounts to be kept of all moneys received and expended by him under this Act.

Powers of Friendly Societies and Employers with regard to Old Age Pensions.

Contracts for old age pensions through friendly societies.

21.—(1.) Any officer of a friendly society may, if authorised by a member of that society, contract on behalf of that member for an old age pension, and pay the premiums on his behalf, but in making such contract shall observe the provisions of this Act and of any rules made by the Postmaster-General under this Act.

(2.) If any officer of a friendly society so contracting for an old age pension, on demand being made at any time by the person on whose behalf he has contracted for his contract book, wilfully or negligently withholds that contract book, he shall be liable on summary conviction to a fine of *ten shillings* for every day during which the contract book is withheld.

(3.) This section shall apply to all friendly societies within the meaning of the Friendly Societies Acts, 1875 to 1889.

Payment of premiums by employers.

22.—(1.) Premiums on account of old age pensions may be paid by an employer on behalf of a person employed in pursuance of any arrangement to that effect made between the employer and the person employed, whether in consideration of the deduction of the sums paid from wages or otherwise, and the Postmaster-General shall make rules under this Act for the purpose of facilitating such payments.

(2.) If an employer who pays premiums on behalf of a person employed under this section has in his possession or control the contract book of that person, and, on demand being made by that person, wilfully or negligently withholds the same, he shall be liable on summary conviction to a fine of *ten shillings* for every day during which the contract book is withheld.

(3.) This section shall apply to the Crown and to persons in the employ of the Crown.

Protection of Postmaster-General, &c.

23. Neither the Postmaster-General nor the National Debt Commissioners shall be liable for any damage sustained by a member of a friendly society, or by a person employed, in respect of a contract for an old age pension through the misfeasance,

A.D. 1894.

neglect, or default of any officer of the friendly society through which the contract has been made, or of any employer who pays premiums on behalf of a person employed.

Rules and Tables.

Power to make rules.

24. The Postmaster-General, with the consent of the Treasury, may make rules for carrying the Act into effect, and in particular may provide by such rules—

(1.) For the proof of age, identity, death, or any other matter which in the opinion of the Postmaster-General is necessary to be proved in connexion with the granting and payment of old age pensions under the Act.

(2.) For facilitating the payment by employers on behalf of persons employed by them of old age pension premiums, and for regulating the mode of that payment.

(3.) For regulating the mode in which old age contracts may be entered into on behalf of other persons by officers of friendly societies.

(4.) For prescribing the form of contract books, exchange contracts, and pension books and coupons.

(5.) For regulating the conditions under which, and the mode in which, pension books are to be issued.

(6.) For fixing the times and manner in which contract books, exchange contracts, and pension books are to be delivered to the Post Office for comparison with the Post Office books.

(7.) For regulating the manner in which old age pension contracts may be withdrawn.

(8.) For regulating the conditions under which contracts may be granted and pensions paid to a person who does not attend in person.

(9.) For regulating the mode of making contracts and payments, of giving receipts, and of doing any other act necessary with respect to old age pensions on behalf of those minors, who may make old age pension contracts under the Act, and for the validity of those contracts, payments, receipts, and other acts.

(10.) For the mode of delivering contract books, exchange contracts, or pension books into the custody of the Post Office, and of withdrawing those books from that custody.

(11.) For changing the office at which any premium or pension is to be paid, and other act done in connexion with old age pensions.

(12.) For the mode of making nominations under this Act.

(13.) For the mode in which notice may be given and the validity of those notices.

(14.) For regulating and providing for any matter which under this Act may be regulated or provided for by rules.

Power to make tables.

25.—(1.) The Treasury shall cause tables to be constructed for fixing the rates of premiums and the scale of exchange contracts and also such other tables as they may think necessary or convenient for the use of the public in connexion with the system of old age pensions established by this Act, and old age pension contracts shall be made in accordance with those tables.

(2.) The Treasury may cause new tables to be made under this section in substitution for those for the time being in force, but the substitution of the new tables shall not, except as in this Act provided, affect any old age pension contracts made in accordance with the tables for which the new tables are substituted.

(3.) The table shall be framed in such a manner that the amount received by way of premiums for old age pensions (including the amounts added by the Treasury under the Act) will be adequate after payment of expenses to meet all payments on account of the pensions without loss to the Exchequer.

(4.) If at any time the sum standing to the credit of the old age pension fund is so much in excess of the estimated liabilities of that fund that it is possible to reduce the premiums payable for old age pensions, and new tables are made for the purpose, the Treasury may, if they think fit, provide for making any reduction in the premiums payable on old age pension contracts already made which they think just.

Laying of rules and tables before Parliament.

26.—(1.) Any rule made by the Postmaster-General and any table framed by the Treasury under this Act shall be laid before each House of Parliament within *forty days* next after it is made, if Parliament is then sitting, or, if not, within *forty days* after the commencement of the then ensuing session, and if an address is presented to Her Majesty by either House of Parliament within the next subsequent *forty days* on which the said House shall have sat praying that any such rule or table may be annulled, Her Majesty may thereupon by Order in Council annul the same, and the rule or table so annulled shall thenceforth become void and of no effect, but without prejudice to the validity of any act which may have been done in pursuance of that rule or table.

(2.) A statement of the rules or principles observed in constructing any table under this Act shall be laid before Parliament, together with the table.

A.D. 1894.

Supplemental.

Applications to be made in person.

27. Applications for an old age pension contract, or for the payment of a coupon, shall, subject to the provisions of this Act, be made in person, provided that if the Postmaster-General is satisfied that any person cannot make the application in person owing to infirmity, illness, absence, or other cause, he may allow any person approved by him to make the application on behalf of the person who is so unable, and may grant an old age pension contract, or pay the old age pension in such manner and subject to such regulations as may be fixed by rules made under this Act.

Pensions to be inalienable.

28. An assignment of, or charge on, an old age pension, and every agreement to assign or charge an old age pension, shall (except so far as made for the benefit of the family of the person entitled to the pension) be void, and a pension shall not be liable to attachment or arrestment, and, if the person entitled to the pension becomes bankrupt, shall not pass to any trustee or other person acting on behalf of the creditors.

Exemption from stamp duties.

29. An instrument or document made or executed for the purpose of obtaining an old age pension, or for any purpose connected with an old age pension, shall not be liable to any stamp duty.

Delivery of books to Post Office.

30.—(1.) A person entitled to an old age pension contract or to an exchange contract or to a pension under this Act shall deliver up his contract book, or his exchange contract, or his pension book, on any occasion on which he is required to do so by this Act, and shall also deliver the same to the Post Office for comparison with the books of the Post Office at such time and in such manner as may be fixed by rules made under this Act.

(2.) The Postmaster-General may undertake the custody of any contract books, exchange contracts, or pension books on such terms and subject to such regulations as may be fixed by rules made under this Act.

(3.) If any person refuses or persistently neglects to deliver up any contract book, exchange contract, or pension book in accordance with this section, the Postmaster-General may by declaration under his hand declare that any old age pension contract or exchange contract to which that person is entitled under this Act shall be void, and that any premiums paid by that person or any pension to which he is entitled shall be forfeited, and on any such declaration the contracts shall be void accordingly, and the

premiums and pension shall be forfeited for the benefit of the old age pension fund. A.D. 1894.

Issue of new contract books.

31. If a contract book, pension book, or exchange contract is lost or destroyed, the Postmaster-General may, on proof to his satisfaction of the loss or destruction, and on such indemnity, if any, as he may require, issue a new contract book, pension book, or exchange contract, and may charge for the same such fee as he may fix, not exceeding *one shilling*.

Penalty for false declaration, forging documents, &c.

32.—(1.) If any person wilfully and corruptly declares falsely in any declaration to be made in pursuance of this Act, or rules made under this Act, he shall be guilty of perjury.

(2.) If any person forges, counterfeits, or fraudulently alters any document, writing, or signature for the purpose of obtaining an old age pension contract, or an old age pension, or for any other purpose connected with old age pensions, or uses for any of those purposes any document, writing, or signature, knowing the same to have been forged, counterfeited, or fraudulently altered, that person shall be guilty of a felony, and shall be liable on conviction to penal servitude for any term not exceeding *seven years*, or to imprisonment with or without hard labour for any term not exceeding *two years*.

Saving for insurances, &c. under other Acts.

33. Nothing in this Act shall prejudice or affect the grant or payment of any annuity, insurance, allowance, or pension under the Government Annuities Acts, 1829 to 1887, or any other Act.

Short title and extent of Act.

34.—(1.) This Act may be cited as the Old Age Pensions Act, 1894.

(2.) This Act shall extend to the United Kingdom, the Isle of Man, and the Channel Islands, and the Royal Courts of the Channel Islands shall register this Act accordingly.

(3.) This Act shall come into operation on *the commencement of the financial year following that in which it is passed.*

Old Age Pensions (No. 2).

A

B I L L

To establish voluntary State-aided Old Age Pensions.

(*Prepared and brought in by Capt. Naylor-Leyland, and Mr. Round.*

Ordered, by The House of Commons, *to be Printed,* 16 *March* 1894.

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[*Price* 2*d.*]

[Bill 36.]

[To be substituted for Bill previously delivered.]

Old Age Provident Pensions Bill.

MEMORANDUM.

1. The object of this Bill is to grant pensions to deserving and thrifty old people, who have lived a life of industry and care, but whose earnings render it extremely difficult, if not impossible, for them to provide sufficiently for their old age.

2. The Bill at the same time encourages thrift and self-reliance. The benefits from it being proportionate to the efforts made by the people themselves.

3. The Bill does not involve any new machinery or the complicated book-keeping incident on a special system of individual insurance for old age, and which, if applied to the whole country, would be very cumbrous and costly.

4. The Bill limits the pensions to those of 65 years of age and upwards who are in need of aid. No hard and fast rule, however, is laid down as to what limit of income constitutes need for aid, it being left to the discretion of the local authority to judge of special cases on their merits. The Bill excludes from its benefits those who have been convicted of crime within [15] years, and those who have been convicted of drunkenness within [10] years. The Bill provides for the payment of the pension in any way the local authority may decide, except that it is not to come through the guardians or its officers, and its receipt is not to disfranchise the receiver.

5. The Bill provides for three classes of pensions :—

1st. To those who have never received poor law relief.

2nd. To those who have provided partially in some way for their old age, in any manner they may have preferred.

3rd. To those whose special misfortunes render them deserving of aid, though they have not been able to provide even partially for themselves.

6. The Bill grants pensions as follows :—

(*a.*) To the first class described above in section 5, 7*s.* a week each person. This is the highest pension under the Bill.

(*b.*) To the second class described above in section 5, a pension of 3*s.* 6*d.* a week, together with an addition not exceeding 1*s.* 9*d.*, equal to the weekly income derived from the amount the person has saved himself, either—

1st. by the purchase of an annuity in the Post Office or from any society or otherwise;

2nd. by the lump sum purchase of an annuity before marriage, or before the age of 25, whichever event occurs first;

3rd. by a lump sum payment to the local authority;

4th. by other means as approved by the local authority.

(*c.*) To the third class, described above in section 5, whose special misfortunes have prevented them providing for themselves, a pension of 3*s.* 6*d.* a week may be granted in cases approved by the local authority.

7. The funds necessary for carrying out the Bill, with the exception of certain payments to the local authority by the beneficiaries themselves, as described in class *b*3 of section 6 above, are to be obtained entirely out of a special rate to be called the Pension Rate.

Old Age Provident Pensions Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Definitions.
3. Pension to be granted.
4. Conditions for all pensions.
5. Pensions to those who have never had poor law relief.
6. Pensions to those who have provided something towards old age.
7. Pensions in exceptional cases.
8. How pensions are to be paid.
9. Pensioners convicted of crime.
10. Pensions cannot be sold.
11. Pension fund to be raised from rates.
12. The local authority to frame rules.
13. Pensioners not to be disfranchised.
14. Pensioners burial fund.
15. Pensioners desiring to enter union house.
16.
17. Infirm pensioners.
18. Pensioners not to be in the receipt of other public pensions.
19. Returns to Local Government of pensioners.

A

B I L L

TO

Provide Pensions in Old Age to the Provident Poor. A.D. 1894.

WHEREAS a large number of the people in their old age are without the means of living, except by the poor rates :

And whereas it is inexpedient and unjust that persons who have spent their lives in working should end their days in the workhouse :

And whereas it is difficult and in cases impossible for many to provide sufficiently for old age :

And whereas it is expedient and necessary for the public weal to encourage and promote throughout life habits of thrift and self-reliance :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title. **1.** This Act may be cited as the Old Age Provident Pensions Act, 1894.

Definitions. **2.** In this Act the term "person" applies to men and women alike. Married persons are to be treated as two persons.

The term "the local authority" shall be the "county council."

Pension to be granted. **3.** A sum, hereafter called a pension, not exceeding *seven shillings* weekly, to be fixed as hereafter provided, shall be paid by the local authority to each person, hereafter called a pensioner, complying with the conditions hereafter enacted.

Conditions for all pensions. **4.** The conditions on which each person shall obtain a pension shall be as follows :—

(*a.*) The pensioner shall not be less than *sixty-five* years of age.

(*b.*) The pensioner shall not for [*fifteen*] years have been convicted of crime.

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(*c.*) The pensioner shall not for [*ten*] years have been convicted of drunkenness.

(*d.*) The pensioner shall not be able to earn the wages of his calling, and shall declare himself to be in need of a pension, and shall be so regarded by the local authority.

Pensions to those who have never had poor law relief.

5. The following persons complying with section four shall have a right to claim a pension of *seven shillings* a week from the local authority.

Those who have never received poor law relief in any form for themselves, or for their children, when under *thirteen* years of age.

Pensions to those who have provided something towards old age.

6. The following persons complying with section four shall have a right to a pension, varying in amount, according to the following conditions:—

(*a.*) Those who have purchased an annuity of not less than *two pounds* a year from the Post Office, or friendly or other society or company, shall be entitled to a pension of *three shillings and sixpence* a week, together with an addition (not exceeding *one shilling and ninepence* a week) equal to the amount of the annuity they have purchased.

(*b.*) Those who have paid a lump sum to the Post Office to buy a deferred annuity, if not less than *ten pounds*, on or before their first marriage, or before the age of *twenty-five*, whichever event has occurred first, shall be entitled to a pension of *three shillings and sixpence* a week, together with an addition (not exceeding *one shilling and ninepence* a week) equal to the amount which the Post Office annuity produces for them.

(*c.*) Those who are prepared to pay a lump sum to the local authority of not less than *ten pounds* shall be entitled to a pension of *three shillings and sixpence* a week, together with an addition of *threepence* a week (not exceeding *one shilling and ninepence*) for each *five pounds* paid to the local authority.

(*d.*) Those who have partially provided for themselves in other ways, to the satisfaction of the local authority, shall be entitled to a pension of *three shillings and sixpence* a week, together with an addition (not exceeding *one shilling and ninepence* a week) equal to the weekly income derived from the amount they have provided for themselves.

Pensions in exceptional cases.

7. Persons who come under the provisions of section four but do not comply with the provisions of either section five or section six shall not be entitled to claim pensions. The local authority may,

however, consider their cases and grant them pensions not exceeding *three shillings and sixpence* a week, provided they comply with one or more of the following conditions :—

(*a.*) Exceptional amount of illness not brought on by their own misconduct.

(*b.*) The loss of children who should have helped them.

(*c.*) Permanent affliction not brought on by their own misconduct.

(*d.*) Exceptional misfortune and distress.

How pensions are to be paid.

8. The pensions shall be paid weekly, monthly, or otherwise as decided on, in each case by the local authority.

Pensioners convicted of crime.

9. Any pensioner being convicted of any crime shall forfeit his pension, which shall not be renewed except by special resolution of the local authority, and with the sanction, in each case, of the Local Government Board.

Pensions cannot be sold.

10. No sale or alienation of a pension shall be valid.

Pension Fund to be raised from rates.

11. All pensions are to be paid out of a fund to be called the Pension Fund, and to be formed by a special rate to be called the Pension Rate, supplemented as herein-before provided by the contributions on behalf of pensions under section six, sub-sections (*c*) and (*d*).

The local authority to frame rules.

12. The local authority shall frame rules for the investigation of application for pensions and for the payment of pensions, either through the Post Office or otherwise, provided they are not paid through the guardians or their officers.

Pensioners not to be disfranchised.

13. The receipt of a pension shall not disqualify the receiver from voting in any parliamentary or other election to which he would be otherwise entitled to vote.

Pensioners burial fund.

14. On the death of a pensioner the local authority shall contribute a sum towards the cost of burial not exceeding *two pounds ten shillings*, and equal to the sum which the pensioner has himself provided either through a friendly society or otherwise.

Pensioners desiring to enter union house.

15. All persons complying with section four who at the date of the *passing of this Act* exceed *sixty-five* years of age, shall be deemed eligible for the benefits of section five of this Act, notwithstanding that they may have received poor law relief since they completed their sixty-fifth year.

16. Any pensioner desiring, from infirmity or any other reason to receive relief in the union house shall cease to receive a pension under this Act, but shall be paid by the local authority a personal

A.D. 1894.

allowance in cash of *one shilling* a week over and above the usual cost of his maintenance by the union.

Infirm pensioners.

17. In the event of any pensioner becoming, from infirmity and the absence of friends or relatives, unfit or unable to benefit by the direct payment of the pension, the local authority may make such arrangements, either under section sixteen or otherwise, as may seem best to it.

Pensioners not to be in the receipt of other public pensions.

18. No person in the receipt of a pension from public taxation or from local rates amounting to *seven shillings* a week or more shall be eligible to derive any benefit under this Act.

Return to Local Government of pensioners.

19. The local authority shall report to the Local Government Board each year, giving full particulars of the pensions granted and paid, and classified according to the different sections of this Act, in such form as may from time to time be directed by the Local Government Board.

[To be substituted for Bill previously delivered.]

Old Age Provident Pensions.

A

B I L L

To provide Pensions in Old Age to the Provident Poor.

(Prepared and brought in by Colonel Palmer, Mr. Barkley, Mr. Hayes Fisher, and Sir Frederick Seager-Hunt.)

Ordered, by The House of Commons, *to be Printed,* 16 *March* 1894.

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[Price 1d.]

[Bill 9.]

Out-door Provident Relief Bill.

MEMORANDUM.

This Bill in no way takes away any of the powers or duties of poor law guardians, or reduces the rights of the poor to relief as they now exist.

It adds powers to the guardians, and gives rights to certain poor persons to receive out-door relief.

The only persons it affects are those who have become destitute in one or other of the following ways :—

(*a*) by temporary illness;

(*b*) by permanent illness;

(*c*) by widowhood;

and who, previous to these misfortunes, have been thrifty and have done something to provide for themselves, and have not been convicted of crime.

For those destitute from illness and still ill, after they have exhausted the benefits of their friendly societies and clubs, it grants out-door relief of the same amount, and for an equal period of time to that granted to the individual by the friendly society benefit.

To those who have saved in other ways and spent all their savings on illness and are still ill, it grants, in weekly sums fixed by the guardians, out-door relief of a total equal amount to that shown to have been expended in illness out of savings.

For those destitute from permanent sickness or the results of accident, the Bill provides out-door relief, provided that they have maintained themselves, without poor law relief, for the first six to eighteen months of their illness, according to their age, either by friendly societies or their savings.

For those destitute from widowhood, and physically unable to support themselves and their children, the Bill provides out-door relief, each class of widow being specified in the Bill, provided either that before widowhood they and their husbands had not had poor law relief, or that thrift had been exercised in some other form, which had been expended either in illness before or in maintenance after the husband's death.

Out-door Provident Relief Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Definitions.
3. Conditions for all recipients.

Temporary Sickness.

4. To members of friendly and other societies.
5. To others who have been thrifty.

Permanent Sickness.

6. Conditions of relief.

Widows.

7. Without surviving children.
8. Able-bodied without children.
9. Able-bodied with infant under twelve months old.
10. Able-bodied with more than two children.
11. Those who are infirm with children.

General.

12. Furniture and tools need not be parted with.
13. Persons convicted of crime to lose benefits.
14. Widows re-marrying.

A

B I L L

TO

Amend the Law relating to Out-door Relief in Sickness and Widowhood to the Provident Poor. A.D. 1894.

WHEREAS a large number of persons in consequence of prolonged illness, and a large number of women in consequence of widowhood and illness, are unable to support themselves and their children:

And whereas it is expedient and necessary for the public weal to encourage and promote throughout life habits of thrift and self-reliance, by which the suffering from sickness and widowhood may be minimised:

And whereas the present system of administering poor law relief does not tend to encourage thrift and self-reliance during youth and health:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Out-door Provident Relief Act, 1894.

Definitions.

2. In this Act the term "medical officer" means the medical officer of the union making the allowances referred to in the Act; in this Act when the masculine sex is referred to, it shall apply equally to the female sex.

Conditions for all recipients.

3. The conditions under which any person shall be eligible to claim out-door relief under this Act, shall be as follows:—

(*a.*) He shall not have been convicted of crime within *fifteen years* from the date of application for relief.

(*b.*) He shall not have been convicted of drunkenness within *ten years* from the date of application for relief.

(*c.*) He shall not have contributed to his illness or accident by his own crime, intemperance, or vice.

A.D. 1894.

(*d.*) He shall, except as provided in section twelve, have exhausted his own resources.

(*e.*) He shall not be a pensioner under the Old Age Provident Pension Act.

Temporary Sickness.

To members of friendly and other societies.

4. When any person complying with section three has, by the continuance of illness, exhausted all the benefits of his friendly or other society or societies, he shall, on the certificate of the medical officer that he is unfit for work and is earning nothing, receive as out-door relief a sum weekly equal to that which he received weekly from the friendly or other society or societies; such allowance shall continue for a period not exceeding that for which he received the friendly or other society or societies allowance, provided that on the report, made at least weekly by the medical officer, he is still unfit for work and is earning nothing.

To others who have been thrifty.

5. When any person complying with section three has, by the continuance of illness, exhausted his savings in the Post Office savings bank or other means of saving, and this can be shown to the satisfaction of the guardians, he shall, on the certificate of the medical officer that he is unfit for work and is earning nothing, receive as out-door relief a weekly sum as the guardians may see fit; such allowance shall continue, provided that on the report, made at least weekly by the medical officer, he is still unfit to work and is earning nothing, for such a period as that the total out-door relief thus received shall not be greater than the savings previously expended in illness and its consequences before the out-door relief was granted.

Permanent Sickness.

Conditions of relief.

6. Any person who has either by the effect of illness or accident become permanently unable to keep himself and his family, though he may be able to earn something towards it, provided—

(*a*) he complies with section three; and

(*b*) provided that he has maintained himself in sickness without poor law relief under section four or section five, or under both sections four and five, for six months if under *twenty-five years* of age, for twelve months if over twenty-five and under *thirty-five years* of age, for fifteen months if over thirty-five years of age and under *forty-five years* of age, and for eighteen months if above forty-five years of age,

shall receive as out-door relief from the guardians a weekly sum to be fixed by the guardians after taking into consideration the ability of his wife and family to assist in his maintenance, and provided that a report be made on his condition at least every three months by the medical officer, and that he continues to be permanently unable to earn his living.

Widows.

Without surviving children.

7. Widows without surviving children who are physically unable to support themselves, though they may be able to assist in so doing, who comply with section three, shall be granted out-door relief not exceeding *five shillings* a week, provided they comply with one or other of the following conditions :—

(*a.*) They and their husbands and children under thirteen years of age have never before widowhood received poor law relief.

(*b.*) If their husbands have died after taking advantage of section four or section five of this Act, or both sections four and five, provided that their husbands have during their illness maintained themselves without poor law relief for six months if under *twenty-five years* of age, for twelve months if over twenty-five years of age and under *thirty-five years* of age, for fifteen months if over thirty-five years of age and under *forty-five years* of age, and for eighteen months if above forty-five years of age.

(*c.*) If their husbands have left them some resources which are exhausted, their widows shall be granted a sum not exceeding *three shillings and sixpence* a week out-door relief, together with an additional *sixpence* a week up to a maximum of *three shillings and sixpence* a week for each ten pounds left by the husband, and expended by the widow in maintenance since the husband's death, provided that the amount spent on funeral and mourning be not reckoned in the amount left, and that each *one pound* left has maintained the widow for at least three weeks.

Able-bodied without children.

8. Able-bodied widows without children, or with children over thirteen years of age, complying with section three shall not be allowed out-door relief under this Act.

It shall nevertheless be lawful for guardians to make a temporary grant either to start in business, or otherwise, any such able-bodied

A.D. 1894.

widow who can show that her husband's savings were exhausted in his illness before any poor law relief had been obtained, and when it shall seem to the guardians that their children are not in a position to assist them.

Able-bodied with infant under 12 months old.

9. Any able-bodied widow having an infant at the time of her widowhood, or born in due time afterwards, complying with section three, shall receive *five shillings* a week out-door relief until the infant is twelve months old, if she comply with the following conditions :—

(*a.*) She and her husband and children under *thirteen years* of age have never before widowhood received poor law relief.

(*b.*) If her husband has died after taking advantage of section four or section five of this Act, or both sections four and five, provided that the husband has, during his illness, maintained himself without poor law relief for six months if under *twenty-five years of age*, for twelve months if over twenty-five years of age and under *thirty-five years of age*, for fifteen months if over thirty-five years of age and under *forty-five years of age*, and for eighteen months if above forty-five years of age.

Able-bodied with more than two children.

10. Able-bodied widows with more than two children under thirteen years of age, complying with section three, who cannot maintain their families, shall receive out-door relief as follows :—

(*a.*) Those who themselves, their husbands and children, have, before widowhood, never received poor law relief, shall be allowed *two shillings and sixpence* a week out-door relief for each child more than two under *thirteen years* of age.

(*b.*) Those whose husbands have left their widows some resources, which are now exhausted, shall be allowed out-door relief of *two shillings and sixpence* a week for each *five pounds* left by the husband and expended by the widow in maintenance since the husband's death, provided that the amount spent in the funeral and mourning be not reckoned, and provided that the amount of out-door relief do not exceed *two shillings and sixpence* a week for each child, less two, under thirteen years of age in the family, and provided that the amount left has maintained the family for at least a period equal to that for which the amount left would last as an allowance of *two shillings and sixpence* a week a head.

Those who are infirm with children.

11. Widows with children who are physically unable to support themselves and their families, though they may be able to assist

in so doing, and who comply with section three, shall receive out-door relief as follows:— A.D. 1894.

(*a.*) When the widow, her husband and children under thirteen years of age, before widowhood have never received poor law relief, a sum of *two shillings and sixpence* a week for the widow and two shillings and sixpence a week for each of the children under thirteen years of age shall be granted as out-door relief.

(*b.*) When the husband has left some resources, or when friends and relations have subscribed resources which are now exhausted, out-door relief to the extent of *two shillings and sixpence* a week for each five pounds left or subscribed (the amount spent in funeral and mourning not being reckoned) shall be paid as out-door relief, provided that the amount so allowed as out-door relief amounts to but does not exceed *two shillings and sixpence* a week per head of the family, counting the widow and all the children under thirteen years of age, and providing that the amount left or subscribed has kept the family for a period equal to that for which the amount left or subscribed would last as an allowance of two shillings and sixpence a week a head.

General.

Furniture and tools need not be parted with.

12. Where this Act requires that savings shall be exhausted as a condition of out-door relief, ordinary furniture and tools shall be exempt, and out-door relief may be granted under this Act without requiring ordinary furniture or tools to be parted with.

Persons convicted of crime to lose benefits.

13. Anyone receiving a benefit under this Act who shall be convicted of crime or drunkenness, or be proved to the guardians to be living in vice or immorality, shall cease to receive any benefits under the Act.

Widows re-marrying.

14. Any widow re-marrying shall cease to receive any benefits under sections seven, eight, nine, ten, and eleven of this Act.

Out-door Provident Relief.

A

B I L L

To amend the Law relating to Out-door Relief in Sickness and Widowhood to the Provident Poor.

(*Prepared and brought in by Mr. Bartley, Sir Frederick Seager-Hunt, and Major-General Goldsworthy.*)

Ordered, by The House of Commons, *to be Printed,* 20 *March* 1894.

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[*Price* 1½*d.*]

[Bill 110.]

A

B I L L

TO

Empower Boards of Guardians to grant Relief to Members of Friendly Societies in Receipt of any Allowances from the same.

A.D. 1894.

WHEREAS it is expedient to give power to any board of guardians of the poor to grant relief to any person in receipt of pecuniary assistance, as a member of a friendly society, from such society, without taking into consideration the amount such person may receive from such friendly society:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Outdoor relief to members of friendly societies.

1. Notwithstanding any orders or regulations of the Poor Law Commissioners or the Local Government Board under and by virtue of the Poor Law Amendment Act, 1834, or of any Act amending the said Act, it shall be lawful for any board of guardians to grant relief out of the poor rates to any person otherwise entitled to such relief, notwithstanding that the said person shall, by reason of his membership of a friendly society, be in receipt of any sum, and that in estimating the amount of the relief that shall be granted to such person being a member of a friendly society as aforesaid, the board of guardians need not take into consideration the amount which may be received by him from such friendly society.

Limits of Act.

2. This Act shall not extend to Scotland or Ireland.

Short title.

3. This Act may be cited as the Outdoor Relief Friendly Societies Act, 1894.

[Bill 14.]

Outdoor Relief (Friendly Societies).

A

B I L L

To empower Boards of Guardians to grant Relief to Members of Friendly Societies in Receipt of any Allowances from the same.

(*Prepared and brought in by Mr. Strachey, Mr. Barlow, Mr. Bartley, Mr. Charles Hobhouse, and Mr. Howell.*)

Ordered, by The House of Commons, *to be Printed*, 16 *March* 1894.

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[*Price* ½*d.*]

[Bill 14.]

Parliamentary Elections Bill.

MEMORANDUM.

The present Bill to consolidate, simplify, and amend the law relating to parliamentary elections is the first attempt yet made to embody in one measure the various complicated statutory provisions in numerous Acts of Parliament on this subject.

In by far the larger portion of this Bill the existing law is simply reproduced with such verbal alterations and modifications as were needed to fit in the various provisions with the proposed amendments of and alterations in the law proposed by this Bill. Wherever possible the exact words of existing statutes are retained, with the view of reducing the debatable matter, as far as practicable, to a minimum.

For the most part the law as it now exists is simply reproduced in the words of the several statutes particularly as regards :—

(1.) The provisions relating to illegal and corrupt practices.

(2.) The provisions relating to procedure at elections.

(3.) The law relating to election petitions.

(4.) The provisions relating to issue of writs, with modifications, and fixing date of election.

(5.) The method of taking votes at elections.

The chief alterations in the law proposed by this Bill are :—

(1.) The substitution of simple residential manhood suffrage as the qualification for the election of members to serve in Parliament in lieu of all existing franchises.

(2.) The abolition of dual voting at elections.

(3.) Simplification of the registration laws to accord with the proposed new franchise, mostly based on the provisions of the Scotch law.

(4.) Alterations in the law as to the appointment and duties of returning officers in view of the new proposals contained in the Bill.

(5.) The diminution of election expenses to candidates, and the payment of certain charges out of the Consolidated Fund.

(6.) At general elections all elections to be on one and the same day throughout the United Kingdom.

(7.) The abolition of the registration courts for the revision of lists of voters.

(8.) The repeal of the Septennial Act, and the substitution of triennial parliaments.

(9.) The closing of public and licensed houses on the day of election.

Parliamentary Elections Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause.
1. Short title.
2. Repeal of Acts.
3. Saving.

PART I.

4. All existing franchises to be abolished. New enfranchising clauses substituted.
5. Enfranchisement of aliens. 33 & 34 Vict. c. 14. s. 7.
6. Universities' franchise amended as regards form of proxy voting papers, but otherwise not affected by this Act.

PART II.

7. Registration officers to be nominated specially for this Act. (Taken from 17 & 18 Vict. c. 91. s. 3, Scotch Act, which first established assessor for counties, and from 19 & 20 Vict. c. 58., which extended assessors in Scotland to boroughs by s. 7.)
Power to the Home Secretary to remove registration officer for neglect of duty or for other assigned cause.
8. Registration and returning officers disqualified from voting or holding any parochial office. (Enlarged from 19 & 20 Vict. c. 58., Scotch Act.)
9. Provision for filling up ad interim offices on which duties are imposed by this Act. (Based on 19 & 20 Vict. c. 58., Scotland.

Clause.

10. Each registration officer to have place of business in each constituency or electoral division, and returns of such addresses to be published in "Gazette."

11. Provision as to service of notices. (Based on 19 & 20 Vict. c. 58., Scotland.)

12. Overseers and vestries to allot an official place of business to registration officer. 24 & 25 Vict. c. 125.

13. Registration officer to be paid a salary at rate of *l.* per annum out of Consolidated Fund.

14. Advertisements under this Act. (From 19 & 20 Vict. c. 58. s. x., Scotland.)

15. Registers put up to be maintained; if removed, &c., to be replaced. (From s. x., 19 & 20 Vict. c. 58., Scotland.)

16. Penalty for injury to registers of voters put up. (From s. xii., 19 & 20 Vict. c. 58., Scotland.)

17. Register of voters not invalidated by deficient publication. *See* 19 & 20 Vict. c. 58. s. xiii. (Scotland).

18. Errors of officers not to affect claims, &c. *See* 19 & 20 Vict. c. 58. s. xiv.

19. Registration officer to make out register of voters. *See* 19 & 20 Vict. c. 58.

20. Mode in which register of voters and official register of voters to be made up. (Taken from 19 & 20 Vict. c. 58. s. 2, Scotland.)

21. Qualification of elector, residence three months.

22. Registration officer to place name of every person entitled to vote on register of voters.

23. Registration officer to require overseers to serve requisition on occupiers and others.

24. Duty of person served to make return. Penalty.

25. Service of notice.

26. Penalties on registration officer for neglect of duty. *See* s. 40 of 19 & 20 Vict. c. 58.

27. Liability of registration officer or other person on whom a duty is imposed by this Act in damages by civil action to the person aggrieved in such sum not exceeding 500*l.* as a jury may award. (From first Scotch Reform Act, 2 & 3 Will. IV. c. 65.)

Clause.

28. Parochial authorities to afford registration officer facilities in preparing register of voters.
29. As to mode of publication by registration officer of register of voters, and notification to each voter of the entry thereon of his name and requiring voter to correct any inaccuracy as regards himself or other voters.
30. Claims to be on the register of voters.
31. Mode of claiming to be on register. Form of claim, Second Schedule.
32. Claimants to be placed on registers may be objected to on notice given to the registration officer. *See* 19 & 20 Vict. c. 22.
33. Printing and publishing list of voters.
34. Exhibition of list of voters.
35. Inspection of list of voters daily and freely.
36. Registration officer to revise register.
37. Registration officers to have powers of revising barristers in reference to disposing of claims.
38. False oath or affirmation to be deemed perjury.
39. List of voters to be finally revised by registration officer.
40. Magistrates to adjudicate upon all disputed claims.
41. Register of electors to be signed by registration officer.
42. Register to be published on October first yearly.
43. Election to take place on signed register.
44. Omission of voter from register to be punishable. Penalty of 40*s*.
45. Wilful or negligent omission of name of voter to give person omitted a penalty of 10*s*.
46. Summary jurisdiction in all cases.
47. Register of voters to be open for inspection.
48. Any person to have copy of register for five shillings.
49. Cost of list of voters and printing register of voters to be paid out of the rates.
50. Copy of register to be sent to Home Office, House of Commons, and libraries of the universities, Registrar-General, clerks of peace.
51. Lists of university voters to be similarly sent.
52. Removal cards to electors removing after the first November in each year.

Clause.
53. Removal claims to vote.
54. Re-issue of removal card.
55. Re-removal claims to vote.
56. Refusal of registration officer to issue removal card.
57. Renewal of removal card in case of the one issued being lost.
58. Personating a voter.
59. Fraudulent attempt to obtain or use card.
60. Fraudulently aiding or abetting attempt to obtain or use card.
61. Personation or voting twice at an election.
62. Returning officer to charge the offender, &c.
63. Removing or defacing list of voters, register, or other document, to be an illegal practice.

PART III.

Appointment and Duties of Registration and Returning Officers under this Act.

64. Mode of appointment of registration and returning officers, deputy officers, &c.
65. Responsibility and duties of registration and returning officers.
66. Registration and returning officer and deputy not to act as election agent.
67. Appointment of registration and returning officer, &c. to be approved by the Secretary of State.
68. Return to be made to the Home Office of all such appointments.
69. Sheriffs to make such returns annually.
70. Return as to appointment of deputy by registration and returning officers.
71. Registration and returning officer to hold office for five years.
72. To retire firstly in January 1892, and subsequently every fifth year.
73. To be eligible for re-appointment.
74. May retire from office upon giving proper notice.
75. Shall vacate his office in certain cases.
76. Appointment in case of vacancy by death and otherwise.

Clause.

77. Registration and returning officer, &c. to take oath of secrecy.
78. Violation of oath of secrecy. Penalty.
79. Ballot boxes, &c., &c., to be in custody of registration and returning officer.
80. Registration and returning officer to deliver over to his successor in office all papers, documents, and things in his possession.
81. To account to the Treasury for all moneys received.

Regulations as to Polling, &c.

82. Convenient polling stations to be provided.
83. Use of schoolrooms, &c. for poll to be free of charge.
84. Returning officer to keep order in polling station, &c.
85. To provide all necessaries for conducting the election.
86. Shall appoint counting clerks to count the votes.
87. Shall decide as to the validity of votes.
88. Shall have power to ask questions and administer oath.
89. Wrongfully refusing, &c. to receive vote. Penalty.

PART IV.

Expenses of Elections.

90. Returning officer's costs to be paid out of the Consolidated Fund.
91. Charges of registration and returning officer to be sent to the Treasury, and to be laid before Parliament.
92. Candidate's address to be sent to each registered elector post free. No other communication to be enclosed; penalty for infringement.
93. Wilfully and knowingly violating section, or using official envelopes for other purposes, a misdemeanour.
94. Official envelopes to be provided by postal authorities.
95. Forfeiture of cost of postage by bogus candidates.
96. Poll card to be sent to each elector by the returning officer.
97. Such poll card to be delivered post free.
98. Cost of poll cards, &c. to be part of official expenses.
99. Other lawful expenditure to be borne by candidates.

Clause.
100. Excessive expenditure above maximum.
101. Return of election expenses.

PART V.

ILLEGAL AND CORRUPT PAYMENTS AND PRACTICES.

Illegal Practices.

102. Canvassing by hired persons illegal.
103. Canvassing by persons likely to unduly influence; canvassing by magistrates, police, &c. prohibited; systematic canvassing generally.
104. Payment, &c. for conveyance of voters to the poll illegal.
105. Letting, lending, or employing conveyance, &c. illegal.
106. Hiring, borrowing, or using conveyances, &c. illegal.
107. Illegal payments to be an illegal practice.
108. Payment, &c. for exhibiting bills, &c.; employment of bands of music, flags, &c.; committee rooms in excess of number; to be an illegal practice.
109. Corrupt withdrawal of candidate.
110. Publishing false statements of withdrawal of candidate.
111. Illegal employment.
112. Persons illegally employing or being employed.
113. Illegal hire of committee rooms and use of certain rooms for meetings illegal.
114. Hiring or letting such rooms illegal.
115. Use of certain rooms for meetings lawful in certain cases.
116. Bill, placards, notices, &c. to bear name of printer.
117. Voting of prohibited person.
118. Payment of election expenses through agent.
119. Payments in excess of maximum illegal.
120. Providing money for illegal purposes or in excess of maximum.
121. Every payment to be vouched.
122. Claim as to expenses to be sent in within fourteen days.
123. All payments to be made within twenty-eight days.
124. Relief to candidate in certain cases.
125. Disputed claims.
126. Order of court as to payment.

Clause.
127. Leave by High Court or county court.
128. Return of election expenses within thirty-five days.
129. Declaration by election agent.
130. Declaration by candidate.
131. Declaration by candidate when his own election agent.
132. Failure to make return an illegal practice.
133. If failure due to others, candidate exonerated.
134. Exemption of candidate and agent in certain cases.
135. Exemption in case of illness or death.
136. Relief by court in certain cases.
137. Failure to transmit return after expiration of leave given.
138. Members sitting and voting after date for transmitting return.
139. Claim of election agent against candidate.
140. Taxation of claims by court.
141. Saving for creditors.
142. Intimidating, threatening, or injuring voter at meeting, &c. to be an illegal practice.
143. Persons neglecting to prevent such intimidation, &c. to be guilty of an illegal practice.
144. If candidate personally privy to intimidation, &c. to be guilty of an illegal practice.
145. Penalty for illegal practices—any person, agent, or sub-agent, or candidate.

Corrupt Practices.

146. Personation, or aiding and abetting personation.
147. Treating to be a corrupt practice.
148. Being treated to be a corrupt practice.
149. Undue influence.
150. To be a corrupt practice.
151. Bribery.
152. Procurement of office or employment.
153. Gift, loan, or promise of gift or loan, &c.
154. Person corruptly aiding the return of any candidate.
155. Person supplying money, &c. corruptly to return any candidate.
156. Person corruptly receiving money, &c. to vote.

Clause.
157. Person corruptly receiving money, &c. for voting.
158. Corrupt payment of rates or remission of rent.
159. Corruptly receiving payment or remission.
160. Corruptly paying fee, &c. to or for any university voter.
161. Penalty for corrupt practices in various cases.
162. Corrupt withdrawal of election petition.
163. Making false declaration; relief in certain cases.
164. Employment of person convicted of illegal or corrupt practices.
165. General corruption or illegal practices to void election, &c.
166. Person to include society, association, committee, &c.

PART VI.

CONDUCT AND MANAGEMENT OF ELECTIONS, METHOD OF POLLING, DAY OF POLL, RETURNS, &C.

Declaratory Ancient Statutes.

167. Elections to be free.
168. Interference by peers and prelates to be a corrupt practice.
169. Soldiers to be confined to barracks during election.
170. Notice by clerk to the Crown to Minister of War, &c.
171. Militia, yeomanry, and volunteers.
172. Registered elector not to be compelled to serve as special constable during election.
173. Liability on persons not performing any pre-requisite for qualification under this Act.
174. Penalty for refusing to give effect to preceding section.
175. Liability in civil action to party aggrieved.
176. Parties conspiring, penalties.
177. Officers appointed under this Act obstructing voter.

Issue and Return of Writ.

178. Time limited between teste and return of writ.
179. Lord Chancellor to fix date of election and issue writs.
180. Issue of precept for election.
181. Delivery of precept to returning officer.
182. Returning officer to give public notice of election.

Clause.
183. Dates of nomination and election.
184. Day of nomination and election respectively to be the one and the same throughout the United Kingdom.
185. Parliament may be summoned within thirty-five days.
186. Member accepting office under the Crown.
187. Contractors to the Government not to sit or vote.
188. Vacancy after general election; Speaker to issue warrant for new writ.
189. Issue of writ in case of vacancy during recess.
190. Member accepting office to notify the Speaker.
191. Bankrupt to vacate his seat in Parliament.
192. Certificate of bankruptcy to be given by the court to the Speaker who shall issue new writ.

Nomination and Election.

193. Nomination of candidate.
194. Declaration of election if no opposition.
195. Adjournment for election.
196. Withdrawal of candidate.
197. Death of candidate after nomination.
198. Vacancy caused by death during election.

Polling at Elections.

199. Votes at elections to be given by ballot.
200. Polling stations to be open from 8 a.m. to 9 p.m.
201. Ballot boxes to be sealed at close of poll.
202. Ballot boxes to be opened in presence of candidates or agents.
203. Declaration of return by returning officer.
204. Returning officer's decision final, except scrutiny demanded.
205. Casting vote by returning officer.
206. Recounts of votes may be demanded.
207. The Seventh Schedule to be construed with Act.
208. Offences at elections with respect to nomination and ballot papers, &c.
209. Returning officer to prosecute.
210. Infringement of secrecy at polling station.
211. Infringement of secrecy at counting votes.

Election Agents.

Clause.
212. Appointment of election agent.
213. Appointment of agent may be revoked.
214. Appointment of sub-agents.
215. Act of sub-agent deemed act of agent.
216. Declaration of name and address of sub-agent.
217. Power to revoke appointment of sub-agent.
218. Agent and sub-agent to have public office.
219. Agent to appoint polling clerks, &c. and hire committee rooms.
220. Contracts not enforceable unless made by agent.

Election Expenses, Payment of, &c.

221. Personal expenses of candidate.
222. Statement of personal expenses to be sent to agent.
223. Petty expenses by other person authorised.
224. Statement of petty expenses to be sent to agent.
225. Authorised excuse for non-compliance as to return and declaration respecting election expenses.
226. Publication of summary of return of election expenses.

Disqualification of Electors.

227. Prohibition of certain persons from voting.
228. Prohibition of disqualified persons from voting.
229. Hearing of person charged with offences under this Act before he is reported guilty of breach thereof; provisions as to appeals, &c.
230. List in register of voters incapacitated for voting by corrupt or illegal practices.

Proceedings in Election Petition.

231. Time for presentation of election petitions alleging illegal practices.
232. Withdrawal of election petition.
233. Continuation of trial of election petition.
234. Attendance of Director of Public Prosecutions, &c.
235. Power of election court to order payment, &c.

Miscellaneous.

Clause.
236. Inquiry by Director of Public Prosecutions into alleged corrupt or illegal practices.
237. Removal of incapacity on proof that it was procured by perjury.
238. Amendment of the law as to polling places, &c.
239. Expenses to be charged to the Consolidated Fund.
240. Election commissioners not to inquire into elections before the passing of this Act.

Legal Proceedings.

241. Trial in Central Criminal Court for corrupt practices at instance of Attorney General.
242. Limitation of time for prosecution of offence.
243. Persons charged with corrupt practice may be found guilty of illegal practice.
244. Costs and expenses of prosecutions under this Act.
245. Costs in cases of private prosecutions under this Act.
246. Prosecutions on summary conviction may appeal to quarter sessions.
247. Application of Summary Jurisdiction and Indictable Offences Acts to proceedings before election courts.
248. Exercise of jurisdiction of High Court, and making rules of court.
249. Director of Public Prosecutions, and expenses of prosecutions.
250. Recovery of costs payable by county or borough or person. Supplemental provisions, definitions, savings, and repeal.
251. Obligation of witness to answer, and certificate of indemnity.
252. Submission of report of election court, &c. to Attorney General.
253. Breach of duty by officer.
254. Publication and service of notice.
255. Definition of candidate, and saving.
256. General interpretation of terms.
257. Short titles.
258. Repeal of Acts.
259. Commencement of Act.

Application to Scotland and Ireland.

Clause.
260. Application of Act to Scotland, modifications, definition of terms, &c.
261. Application of Act to Ireland, modifications, &c.

PART VII.

PARLIAMENTS TO BE ELECTED EVERY THREE YEARS.

262. Triennial parliaments.
263. Day of election to be the same throughout the United Kingdom.
264. Polling to be on the same day throughout the United Kingdom.
265. Date of general election to be fixed by Lord Chancellor.
266. Interval between day of nomination and polling to be uniform.
267. Regulations as to dates, &c. at intermediate election to be the same as for the statutory general election.
268. Issue of writs.
269. Provisions of other sections of Act to apply.
270. The statutory general election to be held in October.
271. Elections to be on new register.
272. Intermediate elections.

PART VIII.

PUBLIC-HOUSES TO BE CLOSED ON DAY OF ELECTION.

273. Licensed premises to be closed on day of polling.
274. Penalty for opening for sale of intoxicating liquors.
275. Effect of second conviction for violation of this Act.
276. Persons found on licensed premises during prohibited hours guilty of offence.
277 Mode of trying offences under Act.
278. Powers of constable under this part of Act.
279. Exceptions in favour of lodgers and railway travellers.

SCHEDULES TO THIS ACT.

First Schedule.

Form of oath or declaration by alien upon becoming naturalised as a British subject.

Second Schedule.

a. Form of requisition by registration officer requiring names of residents.

b. Form of claim to be on the list of registered electors.

c. Form of objection to voter being on the register.

Third Schedule.

a. Form of "Official Register" alphabetically arranged in street order.

b. Form of "Official Register" in wards and polling districts.

Fourth Schedule.

a. Form of removal card issued to registered elector.

b. Form of statutory declaration on application for removal card, &c.

Fifth Schedule.

a. Form of "Official Envelope," front side for the address.

b. Back of "Official Envelope," printed notice.

Sixth Schedule.

Form of polling card to be sent by the returning officer.

Seventh Schedule.

Part I.—*Regulations for Parliamentary Elections.*

(1.) Regulations for elections.

(2.) The poll.

(3.) Counting votes.

(4.) General provisions.
(5.) Modifications in application to Scotland.
(6.) Modifications in application to Ireland.
(7.) Modifications in application to universities.

Part. II.—*Rules for Municipal Elections.*

(1.) Modifications of schedule in application to municipal elections.
(2.) Modifications in application to Scotland.
(3.) Modifications in application to Ireland.

Eighth Schedule.

a. Writ for a county or borough or division thereof at an election.
b. Form of notice of parliamentary election.
c. Form of nomination paper to be used in parliamentary election.
d. Form of ballot paper—*a*, front; *b*, back of papers.
e. Directions as to printing ballot paper.
f. Directions for guidance of voters.
g. Form of statutory declaration of secrecy.
h. Form of statutory declaration of inability to read.

Ninth Schedule.

Part I.—*Persons legally employed for payment.*
Part II.—*Legal expenses in addition to expenses under Part I.*
Part III.—*Maximum for miscellaneous matters.*
Part IV.—*Maximum scale.*
Part V.—*General provisions.*

Tenth Schedule.

Part I.—*Form of Declaration as to Expenses.*

a. Form for candidate.
b. Form for election agent.
c. Form of return of election expenses.
d. Form of receipt.
e. Form as to details of expenditure.

Part II.—*Form of declaration as to expenses by candidate where declared a candidate or nominated in his absence, and taking no part in the election.*

Eleventh Schedule.

Repeal of statutes.

A

B I L L

TO

Consolidate, simplify, and amend the Law relating to Parliamentary Elections, and for other purposes relating thereto. A.D. 1894.

WHEREAS it is expedient to amend and simplify the law relating to parliamentary elections:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Parliamentary Elections Act, 1894. Short title.

2. From and after *the passing of this Act* all statutes and parts of statutes relating to the several matters herein set forth, except as provided by this Act, shall be and are hereby repealed. Repeal of Acts.

3. Provided that nothing in this Act shall affect any matters done under existing Acts, or any persons subject to the provisions of existing Acts at the date of the passing of this Act. Saving.

PART I.

Franchises.

4. From and after *the passing of this Act* all existing franchises, except as herein-after provided, shall be abolished, and in lieu thereof the following shall be substituted and have effect; All existing franchises to be abolished.

(1.) Every male person of the full age of twenty-one years and not subject to any physical or legal incapacity shall be qualified to be placed on the list of registered voters for the county, borough, or division of the county or borough, or city in which he resides at the date at which the duly authorised register for such electoral division is made up. Registered manhood suffrage. *See* 30 & 31 Vict. c. 102. s. 3.

A.D. 1894.

Residence for three months.

(2.) Provided that the said male person shall have resided in such electoral division continuously for a period of *three calendar months* preceding the date specified in this Act.

Aliens.

(3.) Provided further that such male person is not an alien.

Peers and bishops.

(4.) Provided also that such male person is not a peer of the realm or lord spiritual sitting in the House of Lords.

Scheduled persons.

(5.) Provided also that such male person is not named in the schedules mentioned or referred to in the thirteenth, fourteenth, fifteenth, and sixteenth sections of the Representation of the People Act, 1867, or otherwise disqualified by having been found guilty of corrupt practices.

Army and navy.

(6.) Provided also that such male person is not in Her Majesty's regular military or naval service, save and except he is employed in the capacity of a civilian.

In receipt of parochial relief.

(7.) Provided also that such male person is not and has not been during the said qualifying period of three months in receipt of parochial relief, temporary medical relief for himself or family excepted.

Exceptions: prisoners, lunatics, paupers, soldiers, and sailors.

(8.) Provided also that such male person is not a resident in or an inmate of any prison or house of detention, lunatic asylum, parochial workhouse, army barracks, constabulary barracks, naval station, or on board one of Her Majesty's ships of war.

Persons not to be disfranchised by reason of vaccination or remission of school fees.

(9.) For the purposes of this Act no person shall be deemed to be in receipt of parochial relief, or shall be disfranchised by reason of having been himself or any of his family vaccinated free of cost by any local practitioner appointed for that purpose by the Local Government Board, or by any local authority, or by reason of the remission of school fees for any of his children under the Education Acts, or any other Acts for the time being in force.

Enfranchisement of aliens. 33 & 34 Vict, c. 14. s. 7.

5.—(1.) Any male person of foreign birth of the full age of twenty-one years who shall have resided in the United Kingdom continuously for a period of not less than *five years*, or who may have been in the service of the Crown for not less than *five years*, and intends, when naturalized, to reside in the United Kingdom, and who has taken out a certificate of naturalization, shall be entitled to be placed on the registered list of voters for the place in which he resides and has resided continuously for three calendar months preceding the date at which the register is made up:

Statutory alien. 33 & 34 Vict. c. 14. s. 8.

(2.) And any natural-born British subject who may have become an alien in pursuance of the Act 33 & 34 Vict. c. 14., herein referred to as a statutory alien, of the full age of twenty-one years, who

shall have fulfilled the statutory provisions of the aforesaid Act as to re-admission as a British subject, and shall have resided continuously in the electoral division for a period of three months, shall be entitled to be placed on the registered list of voters for the place in which he resides, and has resided continuously for three calendar months preceding the date at which the register is made up.

Aliens, residence of three months.

Provided that such male person shall have become naturalized or re-admitted as a British subject prior to the commencement of the qualifying residential period named in this Act.

Certificate of naturalization.

(3.) Any male person of foreign birth being desirous of becoming naturalized, or in the case of a statutory alien re-admitted, shall be entitled to a certificate of naturalization upon subscribing to the form of oath or declaration set forth in the First Schedule to this Act, and upon the payment of not more than *one pound* sterling for fees and stamps inclusive for such certificate.

Stamps and fees.

6. Save and except as provided by this section, and the sixty-third and sixty-fourth rules in the Seventh Schedule as herein mentioned, this Act shall not affect any franchise or right now existing to vote for a member to serve in Parliament for the universities of Oxford, Cambridge, London, Dublin, Edinburgh and St. Andrews, and Glasgow and Aberdeen universities; and every male person of full age and not subject to any legal incapacity who but for the passing of this Act is now or may be entitled to vote at elections for members to serve in Parliament for the said universities shall be entitled to vote in the form and manner now prescribed by law, subject nevertheless as regards voting by means of voting papers to the regulations and provisions contained in Part II. of the Seventh Schedule to this Act, which are hereby substituted for the provisions in the first and second sections of the Act 24 & 25 Vict. c. 53., and the schedule to the said Act, and the Universities Elections Act, 1868, which said sections, schedule, and Acts respectively, so far as the same are inconsistent with the said schedule to this Act, are hereby repealed.

Universities franchise amended as regards form of proxy voting papers, but otherwise not affected by this Act. Schedule VII., pp. 97.

(1.) Provided always, that such electors shall not vote at the same election in any other constituency in the exercise of any other franchise whatsoever.

Universities voters not to have double, but only one vote.

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PART II.

Registration of Voters.

Registration officers to be nominated specially for this Act. (Taken from 17 & 18 Vict. c. 91. s. 3. Scotch Act, which first established assessors for counties, and from 19 & 20 Vict. c. 58. which extended assessors in Scotland to boroughs by sec. 7.) See 48 Vict. c. 16. s. 9.

7. The persons respectively who are by this Act authorised or enabled to appoint the returning officers for the several counties and boroughs or divisions of counties and boroughs in the United Kingdom, shall, so soon as may be within the period of one calendar month after the *passing of this Act*, nominate and appoint fit and proper persons to be "registration officers" for each electoral division to perform the duties imposed on the registration officers under this Act, and shall make public advertisement (1) of any such appointment in England in the "London Gazette" and in some one or more newspapers circulating in the electoral division in respect of which the registration officer is appointed; and (2) as regards any such appointment in Scotland in the "Edinburgh Gazette," and in the "North British Advertiser," and in some one or more newspapers circulating in the constituency or electoral division in respect of which the registration officer is appointed; and (3) as regards any such appointment in Ireland, in the "Dublin Gazette," and some one or more newspapers circulating in the electoral division for which such registration officer shall be appointed, and every such registration officer so appointed shall from the date of his appointment be specially charged with all the duties incumbent on the registration officer under this Act, and the appointment of each registration officer shall be for a term of *five years* counting from the *first day of March one thousand eight hundred and ninety-five*, and on every occasion where in any electoral division a registration officer so appointed shall cease to hold office the said persons directed to appoint registration officers as aforesaid, shall, at latest within one month thereafter, appoint another successor to act as aforesaid, and make public advertisement of such appointment as before mentioned, and every registration officer shall within three days after his appointment notify the same in writing to the Home Office, and Her Majesty's Principal Secretary of State for the Home Department shall on the first week in March publish in the "London Gazette," "Edinburgh Gazette," and "Dublin Gazette," the names and official addresses of all the said registration officers in the alphabetical order of each electoral division.

Power to the Home Secretary to remove registration officer for neglect of

Provided always, that it shall be lawful for Her Majesty's Principal Secretary of State for the Home Department to declare by writing under his hand that any registration officer has been guilty of neglect of duty or duties under this Act, and it shall be lawful for the Home Secretary for that or for any cause which may

appear fit and proper to the Home Secretary, and which may be mentioned in such writing aforesaid, to declare that the appointment of the registration officer has terminated as if by effluxion of the said term of five years, and thereupon as from the date mentioned in the said writing under the hand of the Home Secretary, the registration officer mentioned in the said writing shall cease to exercise any functions under this Act, and be incapacitated from acting thereafter as a registration officer, and another registration officer shall be appointed in the place of the registration officer mentioned in such writing.

duty or for other assigned cause.

8. No registration and returning officer appointed under this Act, whilst he continue such registration and returning officer, and no clerk, deputy, or agent of or person employed by such registration or returning officer, shall be eligible to be registered as a voter or to vote or take part in any election of a member to serve in Parliament or in any municipal election, and no such officer, clerk, deputy, or agent of or person employed by such registration or returning officer, shall be and he is hereby disqualified from being or acting as an overseer, collector of poor rates, guardian of the poor, vestry clerk, clerk to the guardians, sheriff clerk, or clerk of supply, or from filling any parish or ward office whatsoever, or from being employed as collector of rent, factor for heritable property, land agent, or bailiff or steward, or deputy steward, for or in respect of any property within the electoral division for which such registration and returning officer is appointed under this Act.

Registration and returning officers disqualified from voting or holding any parochial office. Enlarged from 19 & 20 Vict. c. 58. (Scotch Act).

Provided always, that any person who may have been a revising barrister, acting in any electoral division of the United Kingdom, in pursuance of Acts existing before the commencement of this Act, shall not be ineligible for appointment as registration and returning officer by reason of having filled any such prohibited office under any Act by this Act repealed.

Revising barrister under existing Acts not ineligible for appointment under this Act.

9. Where in any electoral division any office upon the holder whereof duties are imposed by this Act shall become vacant it shall be competent for the said persons who are hereby authorised and required to appoint registration and returning officers, and they are hereby authorised and required, in the event it shall appear to the said persons to be necessary or expedient in order to the carrying out of the purposes of this Act, to appoint a person to perform ad interim for a period not exceeding *three calendar months* the duties of such office, in so far as imposed by or necessary for the purposes of this Act; and the person so to be

Provision for filling up ad interim offices on which duties are imposed by this Act. Taken from 19 & 20 Vict. c. 58. (Scotland).

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appointed shall be charged with and perform such duties until such office be duly filled up, and shall be entitled to such reasonable remuneration therefor as may be fixed by such persons so appointing the interim registration and returning officer with the approbation of Her Majesty's Principal Secretary of State for the Home Department, and *such remuneration shall be payable in the like manner and out of the like funds.*

Each registration officer to have place of business in each constituency or electoral division and returns of such addresses to be published in Gazette.

10. Every registration officer or interim registration officer shall have within each constituency or electoral division a place for transacting official business, and the same shall be open for transaction of business from *eight o'clock a.m.* till *nine o'clock p.m.* during the months of July, August, and September in each year, and the address of such place or office shall be notified to every clerk of peace, town clerk, and vestry clerk acting or exercising jurisdiction or functions for any part of the electoral division in respect of which the registration officer or interim registration officer is appointed, and shall be published by the "registration" or interim registration officer in the "London Gazette" as regards appointments in England and Wales, and in the "Edinburgh Gazette," as regards appointments in Scotland, and in the "Dublin Gazette," as regards appointments in Ireland.

Provision as to service of notices. Based on 19 & 20 Vict. c. 58. (Scotland).

11. Whenever any notice is by this Act required to be given to the registration or interim registration officer it shall be sufficient if such notice shall be delivered to him or sent to him by post, postage prepaid, or left at his place for transacting his official business, and wherever by this Act any notice is required to be given to any other person it shall be sufficient if such notice be sent by the post, postage prepaid, addressed with a sufficient direction to the person to whom the same ought to be given at his usual place of abode.

Overseers and vestries to allot an official place of business to registration officer. 24 & 25 Vict. c. 125.

12. It shall be lawful for the overseers and vestries who by law now have or hold or may hereafter acquire places for the transaction of official business of the parish, and for any local authority as defined by section thirty-four of the thirty-eighth and thirty-ninth Victoria, chapter eighty-three to allot free of charge to the registration officer or interim registration officer in their respective places for the transaction of official business an office for transacting his official business under this Act.

Registration officer to be paid a salary at rate of *l.* per annum out of Con-

13. *In payment and full discharge of all proper and reasonable fees for the trouble, care, and attention in performance of the services and duties on each registration officer imposed on him by this Act, and for all clerks, messengers, and other persons employed by or under his direction, there shall be paid out of the Consolidated*

Fund the salary of pounds for each year, commencing from the date of the appointment of each such registration officer, and so in proportion for each fraction of the year, and such salary shall be paid quarterly or otherwise as Her Majesty's Treasury shall direct.

Consolidated Fund.

Advertisements under this Act. From 19 & 20 Vict. c. 58. s. x. (Scotland).

14. In all cases where any notice is directed by this Act to be advertised in any newspaper, such advertisement shall be repeated in the same or some similar newspaper not earlier than six and not later than eight days after the day on or before which such advertisement is herein required to be published.

Registers put up to be maintained. From s. xi. 19 & 20 Vict. c. 58. (Scotland).

15. Where any document shall, pursuant to the provisions of this Act, be affixed on any place, the same shall continue so affixed for a period of fourteen days including two consecutive Sundays at the least next after the day of publication, and if removed or defaced within such period shall be replaced by the person bound to give the notice.

If removed, &c. to be replaced. Ditto.

Penalty for injury to registers of voters exhibited. From s. xii. 19 & 20 Vict. c. 58. (Scotland).

16. Every person who shall wilfully mutilate or remove any document so affixed during such period shall for every such offence forfeit a sum not exceeding *forty shillings* nor less than *ten shillings* to any person who will sue for the same, to be recovered in a summary manner before any court herein-after mentioned for the recovery of fines and penalties.

Register of voters not invalidated by deficient publication. *See* 19 & 20 Vict. c. 58. s. xiii. (Scotland).

17. No register of voters shall be invalidated by reason that it shall not have been advertised pursuant to this Act, or shall not have been affixed in the place and for the full time herein required for publication thereof, and every such register may be revised and adjudicated upon though not advertised or affixed as aforesaid: Provided always, that nothing herein contained shall be construed to exempt any registration officer or person mentioned in this Act acting in wilful or culpable neglect of any duty imposed upon him by this Act from any penalties thereby incurred.

Errors of officers not to affect claims. *See* 19 & 20 Vict. c. 58. s. xiv. (Scotland).

18. No claim or objection to any claim shall be invalidated or affected by reason of any mistake, error, or omission committed by any public officer to whom claims or objections are appointed to be given in or transmitted.

Registration officers to make out register of voters. *See* 19 & 20 Vict. c. 58.

19. The registration officer of every constituency shall make out or cause to be made out in pursuance of the provisions of this Act, and according to the forms in the Third Schedule to this Act annexed, a register of all persons who may be entitled to vote in the election of a member or members to serve in Parliament for each constituency, and such register of voters shall be made up to the

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twenty-fourth day of June in each year, and such register when revised and settled as provided by this Act shall come into force on the *first day of October* next ensuing in each year respectively and shall be deemed the official register for election purposes.

Mode in which register of voters and official register of voters to be made up. Taken from 19 & 20 Vict. c. 58. ss. 2 & 29. (Scotland).

20. The said register of voters shall be arranged in wards, where the constituency or electoral division is divided into wards, and in polling districts, and each ward and polling district in burghs shall be arranged as far as conveniently may be in the alphabetical order of streets, roads, squares, lanes, and other places in which houses are distinguished by numbers, each such street, road, square, lane, and other place being arranged according to the numbers of the houses, and as regards all other places in the alphabetical order of the wards or polling districts according to the alphabetical order of the surnames of persons registered as voters in such ward or polling district, and in such list the Christian name and surname of every such person shall be written or printed at full length, together with his occupation if necessary for identifying the voter, and residence in respect of which he may be entitled to be placed on the register of voters, the surname or other name or names of each voter being placed before the Christian name or names, and the said register shall be so arranged and printed that the list of voters of and for each and every separate ward may be cut out or detached and ready for the purposes of this Act or for sale.

Qualification of elector, residence three months.

21. Every male person of the full age of twenty-one years and not subject to any physical or legal incapacity who shall have resided in the electoral division for the full period of three months preceding such *twenty-fourth day of June* in each year shall be entitled to be placed on the register of voters for the parliamentary constituency in which he so resides and has resided during the qualifying term as aforesaid.

Registration officer to place name of every person entitled to vote on register of voters.

22. The registration officer shall insert or cause to be inserted in the said register of voters the names of all male persons of the full age of twenty-one years who may reside and shall have resided for a period of three months in such division, or shall have resided for that period according to the provisions of this Act in such division preceding the *twenty-fourth day of June* as aforesaid.

Registration officer to require overseers to serve requisition

23. For the purpose of the execution of such duty the registration officer shall direct the overseers to serve, and the overseers or such other local authority whose duty it is to collect the rates shall fill up and serve, on the person who is the occupier or rated or liable

on occupiers and others.

to be rated in respect of such house or on some agent of such person concerned in the management of such house the requisition specified in the Second Schedule to this Act requiring that the form in that notice be accurately filled up and returned to the registration officer within fourteen days after such notice.

Duty of person served to make return. Penalty.

24. If any such person or agent on whom such requisition is served fails to comply therewith, he shall be liable on summary conviction to a fine not exceeding *ten shillings* in respect of each and every voter entitled to be registered under this Act as a voter omitted from such return, and shall further be liable to pay to any person entitled to be registered under this Act as a voter in respect of such house who by reason of his so failing is put to trouble and expense in making or sustaining a claim to have his name inserted in the register at any revision such costs as the court may order, for which purpose the court shall have the same powers of ordering the payment of costs by the person so in default as he had by virtue of the Registration Acts in the case of groundless or frivolous and vexatious claims and objections: Provided that no such order shall be made unless the court is satisfied that reasonable notice that the same would be applied for has been given to the person affected thereby.

Proviso.

Service of notice.

25. The notice under this section may be served in manner provided by the Representation of the People Acts with respect to the service on occupiers of notice of nonpayment of rates, and where a body of persons corporate or incorporate is rated shall be served on the secretary or agent of such body of persons, and where the house by reason of belonging to the Crown or otherwise is not rated shall be served on the chief local officer having the superintendence or control of such house.

Registration officer neglecting duty to be deemed guilty of an illegal practice within the meaning of this Act.

26. Any registration officer who shall wilfully refuse or neglect to make out any register of voters, or who shall wilfully neglect to insert therein the name of any person who shall have given due notice of claim, or who in making out any list of voters shall wilfully and without any reasonable cause omit the name of any person duly qualified to be inserted in such list, or who shall wilfully and without any reasonable cause insert in such list the name of any person not duly qualified, or who shall wilfully refuse or neglect to publish any notice, register of voters, or list, or copy thereof respectively, at the time and in manner required by the Act, or who shall be guilty of any other breach of duty in the execution of this Act, shall be guilty of an illegal practice within

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the meaning of this Act: Provided always, that nothing herein contained as to any fine or penalty shall affect or abridge any right of action against any registration officer liable to any fine or any liability such registration officer may incur under or by virtue of this Act.

Liability of registration officer or other persons on whom a duty is imposed by this Act in damages by civil action to the person aggrieved in such sum not exceeding 500*l.* as a jury may award. From first Scotch Reform Act, 2 & 3 Will. IV. c. 65.

27. If any registration officer, overseers, or any person whatsoever shall wilfully contravene or disobey the provisions of this Act or any of them with respect to any matter or thing which such registration officer, overseer, or other person is hereby required to do, he shall for such offence be liable to be sued in the High Court of Justice in England, and in the Court of Session in Scotland, and in the High Court of Justice in Ireland, by any registered voter, candidate, member actually returned, or other party aggrieved, for the penal sum of *five hundred pounds*, and the jury before whom such action shall be tried may find their verdict for the full sum of *five hundred pounds* or for any less sum which the said jury shall think it just that such party defendant should pay to each party plaintiff, and the defendant in such action being convicted shall pay such penal sum so awarded, with full costs of suit, to the party who may sue for the same, without prejudice, however, to the right of any party aggrieved by the misconduct of any registration and returning officer to recover such damages for a false return as he may be entitled to at common law or by virtue of any statute now in force: Provided always, that every such action shall be commenced or raised within *four* calendar months next after the cause of action has arisen, and that notice in writing shall be given to the defendant at least *one* month before the raising of any such action signed by the party bringing or raising such action or his agent and setting forth the place of abode of the party signing the same: Provided also, that any such defendant against whom any judgment shall have been recovered in any such action shall be allowed to plead such judgment as a bar to any other action which may be brought against him for the same matter or thing, and such other action being thereupon dismissed such defendant shall recover his full costs thereof.

Parochial authorities to afford registration officer facilities in preparing register of voters.

28. Town clerks, vestry clerks, overseers, or guardians, and every collector of poor rates, relieving officers, and other parochial officer and persons employed by them respectively shall be bound at all times on demand to give all information in their power to the registration officer for the purpose of preparing and completing the said register of voters, and shall at all times produce all rate books, and other books, papers, and documents, to enable the registration

officer to prepare the said register of voters, and if any person duly qualified to be on the list of voters may have been wilfully or negligently omitted from such list of voters by reason of any act, neglect, or default of the town clerk, vestry clerk, overseers, guardians, collector of poor rates, relieving officers, and other parochial officer as aforesaid, such person may recover from the overseers or other local authority, a sum not exceeding *twenty shillings* and costs for every offence in addition to and without prejudice to the penalty for damages mentioned in section forty-five of this Act. A.D. 1894.

As to mode of publication by registration officer of register of voters, and notification to each voter of the entry thereon of his name, and requiring voter to correct any inaccuracy as regards himself or other voters.

29. The register of voters, when compiled by the said registration officer, shall be printed and published on or before the *fifteenth day of July* next ensuing in each year respectively, and immediately after the *fifteenth day of July* in each year the registration officer shall issue a notice to each voter whose name is entered on such register, and shall inform him of the fact of his name and residence being so entered on such register of voters, and shall also inform such voter that a copy of such register of voters remains open for his inspection free of cost daily between the hours of eleven o'clock in the morning and nine o'clock in the evening, at the official residence of the registration officer, or at some place or places situate within the polling district of such voter to whom such notice is addressed, and each voter shall be required to notify to the registration officer on or before the *first day of August* then next ensuing any error or omission relating to his Christian name or surname or residence as a qualification; and he shall be requested to give to the registration officer any information in his power as to any errors or omissions occurring in the said register of voters.

Claims to be on the register of voters.

30. Any person duly qualified to be on the said list of voters, and who may have been omitted therefrom, may claim to be placed on the register of voters at any time within *one* month from the date of the publication of such list of registered voters.

Mode of claiming to be on register. Form of claim, Second Schedule.

31. Any person claiming to be on the list of registered voters shall fill in a form, to be obtained without payment therefor of the registration officer for the division, which form shall be signed by the person claiming to be on the list of voters, and shall be attested by a registered elector in the division, who shall affirm of his own knowledge that the claimant is to the best of his belief entitled to be on the list of registered voters for the division.

Claimants to be placed on registers may be objected to on notice

32. It shall be lawful for any person whose name shall be on the list of voters for any constituency or division to oppose the claim of any person to have his name inserted in the list of voters for the same constituency or division, and such person intending to

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given to the registration officer. (*See* 19 & 20 Vict. c. 22.)

oppose such claim shall, during the month of *August*, give notice in writing to the registration officer and to the person so objected to of his intention to oppose the said claim, and shall thereupon be admitted to oppose the same by evidence or otherwise without any previous or other notice, and shall have the same rights, powers, and liabilities as to costs, appeals, and other matters relating to the hearing and determination of the said claim as any person who shall have duly objected to the name of any other person being retained on any list of voters, and who shall appear and prove the requisite notices in the terms of this Act.

Printing and publishing list of registered voters and claimants.

33. The registration officer shall cause such list of registered voters, and list of persons claiming to be on the said list, to be printed and published, and to be exhibited as herein-after provided by and on the *first day of August* in each year, which list of registered voters and claimants shall continue to be exhibited during the whole of the said month of August for the inspection of the electorate for the division.

Exhibition of list of registered voters and claimants.

34. The said list of registered voters and of persons claiming to be on such register of voters shall be exhibited at the door or other prominent and accessible place at the official place of business of the registration officer in each division, and of every church, chapel, or other place of public worship, and of every school receiving a grant of money from the Government or maintained out of the rates, of every post office, of every municipal or other local office and institution, and of every assessor and collector of income tax within the boundary of the electoral division to which the said list of registered voters applies.

Inspection of list of voters daily and freely.

35. Every voter shall be entitled, without let or hindrance, molestation or obstruction, to inspect such list of registered voters and claimants daily at such places aforesaid between the hours of *eight* o'clock in the morning and *eight* o'clock in the evening, during the month of *August*, from the *first* to the *last* day thereof inclusive.

Registration officer to revise register.

36. The registration officer shall correct any mistake which shall be proved to him to have been made in any register of voters, and shall expunge the name of every person whose qualification shall be insufficient in law to entitle such person to vote, and also the name of every person who shall be proved to him to be dead, and if in entering the name and qualification of any voter anything requiring to be specified be omitted, or if any description be insufficient for identification, such registration officer shall expunge the name of any person so entered unless the matter so omitted or

insufficiently described be upon demand supplied to his satisfaction before he shall have completed the revision of the list, and such registration officer shall write his initials against the names respectively expunged or inserted and against any part of the said register of voters in which any mistake shall have been corrected or any omission supplied or any insertion made by him.

Registration officers to have powers of revising barristers in reference to disposing of claims.

37. It shall at all times be competent to any registration officer to exercise all the powers now vested in revising barristers or sheriffs for holding courts for revision, of holding of courts, evening sittings in boroughs, adjournment of courts, removal of persons interrupting, for compelling attendance of clerks of the peace, overseers, past overseers, collectors of rates, relieving officers, the production of rate books, hearing of objections to entries on registers, administration of oaths, procedure at revision before the courts, and powers to make rules of procedure, and payment of expenses, as is now vested in or exerciseable by the provisions of existing Acts relating to registration of voters.

False oath or affirmation to be deemed perjury.

38. Any person taking any oath or making affirmation before such registration officer who shall wilfully swear falsely shall be deemed guilty of perjury, and shall be liable to be punished accordingly.

List of voters to be finally revised by the registration officer.

39. At the expiration of the term and date aforesaid the registration officer shall revise the said list of registered voters, and shall insert or cause to be inserted therein all such names of persons who shall, during the said month of *August*, or within seven days thereafter, have claimed to be and shall be entitled to be included in such list of registered voters, and all such names of persons as may have been negligently, accidentally, or otherwise omitted from the said list of registered voters;

Provided that the registration officer deems such claim to be on the said list of registered voters to be just and reasonable.

Magistrates to adjudicate upon all disputed claims.

40. Should any doubt arise as to the legal claim of any person to be placed on the list of voters, either by reason of physical or legal incapacity, not being of age, insufficient residence, on account of having been in receipt of parochial relief, or otherwise, such person may, on or before the *fourteenth day of September* in each year, apply to the registration officer for the division, or to any stipendiary magistrate, or to any two justices of the peace having jurisdiction within the electoral division or part of an electoral division, to have such claim allowed. Such application and hearing shall be without costs in any case, except it be for alleged wilful or negligent omission. The decision of the registration officer, if so accepted,

Decision of magistrates to be final.

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or of the magistrate or justices, if submitted to the court, shall be final for the year during which such register is operative.

Register of voters to be signed and attested by the registration officer.

41. On the said register of voters being so completed, revised, and made up, the reference number in the list of registered voters shall be struck out, and the registration officer shall prefix against each voter's name his number on such register, the numbers to be consecutive from one, opposite the first name on the list, to whatever number the said list shall contain, in regular serial order, and the registration officer shall sign and attest such register before a magistrate having jurisdiction in the electoral division, who shall countersign the same, and such revised list shall constitute the official register of parliamentary voters for the electoral division to which it applies for each year respectively dating from the *first day of October*, and ending on the *thirtieth day of September* next ensuing annually.

Register to be published on October 1st yearly.

42. The official register so signed and attested shall be printed by order of the registration officer, and shall be ready for issue on or before the *first day of October* in each year.

Election to take place on signed register.

43. Any election taking place during such year shall be taken upon the said official register, so signed, attested, printed, and published, and all voters therein named shall be entitled to vote at such elections without question as to qualification, unless struck out by the registration officer as having removed, or otherwise incapacitated by this Act.

Omission of voter from register to be punishable.

Penalty of forty shillings.

44. Any omission of the name from the official register so signed of any duly qualified voter shall be an offence at law, and shall render the offender liable to a penalty of *forty shillings* and costs for every such offence. The elector may proceed against the registration officer or the printer, or both conjointly, before a court of summary jurisdiction, or in the county court.

Wilful or negligent omission of name of voter.

Penalty.

45. Any person duly entitled to be on the list of registered voters who may have been wilfully or negligently omitted from the register of voters may recover from the registration officer or other persons by whose default, neglect, or omission such omission has occurred, a sum not exceeding *ten shillings* and costs for every such offence.

Summary jurisdiction in all cases.

46. The proceedings under the above section for the recovery of fine shall be before the stipendiary magistrate for such electoral division, or part of electoral division, or before the county court judge for the district, or before any two resident justices of the peace sitting at any duly constituted court next ensuing for such electoral division or part of a division within the county, borough,

or division of a county or borough in which the said omission shall have arisen, or within one month from the date when the registered list of voters shall have been duly published.

Register to be open for inspection.

47. The authorised official register shall be open for the inspection of any elector on any day of the week (Sundays excepted) at the town hall, vestry hall, or other chief local office during the hours in which such offices are open for the transaction of the ordinary business conducted at such office, and at the registration officer's official place of business.

Persons to have copy for 5*s*.

48. Any person desiring a copy of the register for any division or part of a division to which such register applies may, upon application personally or by letter, have a copy of such register upon prepayment therefor of a sum not exceeding *five shillings* for each such copy.

Cost of list of voters and register of electors to be paid out of the rates.

49. The cost of preparing and printing such list of registered voters, and the official register of voters, shall be paid for out of the rates of the electoral division or part of the electoral division to which such list and registers apply, each separate portion of the division contributing its quota of the cost in proportion to the relative number of registered electors, unless there be a common fund for any such electoral division, in which case the costs shall be defrayed from such common fund.

Copy of register to be sent to Home Office, House of Commons, &c.

50. A copy of each and every such register shall be sent as soon as printed in each year to the Home Office, to the library of the House of Commons, the Registrar-General, and local free libraries, and to the clerks of the peace in the division, by the registration officer for each electoral division of the United Kingdom respectively.

Lists of university voters to be similarly sent.

51. The Vice-Chancellor, Pro-Vice-Chancellor, or Provost of the Universities of Oxford, Cambridge, London, Dublin, Edinburgh and St. Andrews, and Glasgow and Aberdeen, shall cause to be published a complete list of all persons entitled to vote for the respective universities, a copy of which shall in like manner be sent to the Home Office, library of the House of Commons, and to the clerks of the peace, the Registrar-General, and to any local free library which may apply for such.

Removal cards to electors removing after first day of November in each year.

52. Any registered elector who has ceased to reside between the *first day of November* and the *fifteenth day of July* next ensuing in the electoral division for which he is registered as an elector, may, on application to the registration and returning officer or other proper local authority named for that purpose, have a registration card certifying to his being the registered elector therein

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described, upon payment for the same of the sum of *twopence*. Such card to bear the signature of the registration and returning officer, or other proper local authority issuing the same, the name of the electoral division, and the date of issue of such card, in the form given in the Fourth Schedule to this Act; and the said officer shall keep a list of all such removals, and mark the same on the register.

Removal claims to vote.

53. Such registered elector may deposit such card with the registration and returning officer or other proper local authority of the division to which he has removed, and thereupon shall, by making a statutory declaration that he is the registered elector therein described, be entitled to vote for such electoral division.

Proviso as to residence.

Provided that such registered elector shall have resided continuously for three calendar months in the division in which he claims to vote.

Re-removal.

54. Any elector again removing may upon application to the registration and returning officer or other proper local authority with whom the removal card was first deposited, have such card returned to him, duly signed by such officer, giving date of re-issue, upon payment therefor of the sum of *twopence*.

Re-issue of removal card.

55. Such removal card may again be deposited with the registration and returning officer or other proper local authority in the new division to which such registered elector may remove, in the same manner as before mentioned, and such registered elector shall in like manner be entitled to vote in such division:

Provided that the said voter resides in that division for three calendar months.

Refusal to issue removal card to voter.

56. Any registration and returning officer or other proper local authority, or person duly authorised to act on their behalf, who refuses to issue a removal card to the duly registered elector applying for the same, and tendering in payment the amount herein provided in each case, at reasonable hours when the office is open for the transaction of ordinary business, shall be liable to a penalty of *one pound* for such offence: Provided that there be no sufficient cause for refusal or delay:

Penalty.

Proviso.

Proviso.

Provided also, that such removal card as claimed is issued with all convenient speed on the day following, unless there is reason for believing that fraud is attempted in obtaining such card.

Removal card in lieu of one lost.

57. Any registered elector losing his removal card may, upon making a declaration to that effect, and upon payment of *one shilling* for a new card, be entitled to a renewal card in lieu of the one declared to be lost, such card to bear upon its face the date of

issue, the fact of its being a renewal card, and the signature of the registration and returning officer.

Personating a voter by use of card.

58. Any person other than the person described using such removal card, or presenting himself and claiming to vote for any duly qualified registered elector, shall be deemed guilty of personation under this Act, and shall, upon conviction, be liable to the penalties herein-after mentioned for such offence.

Fraudulent attempt to obtain or use card.

59. The wrongful using or claiming to use any such lost card, or any attempted fraud by the registered elector in obtaining or seeking to obtain a renewal card, shall be deemed equivalent to the offence of personation, or attempted personation, under this Act.

Fraudulently aiding or abetting attempt to obtain or use card.

60. Any person aiding or abetting or counselling personation or attempted personation under the above section shall likewise be deemed guilty of personation, and shall be subject to the same penalties as would have been inflicted had he been a principal in the offence.

Personation of voting twice at an election.

61. Any person guilty of voting or attempting to vote twice at any election, or who, not being a registered elector, shall represent himself to be the registered elector described on the register, whether at the time such registered elector is living or dead, and as such attempt to personate such registered elector; and any and every person aiding and abetting or counselling the fraud of personation shall be deemed guilty of personation under this Act, and shall, upon conviction, be liable to the penalties herein-after mentioned for such offence.

Returning officer to charge the offender, &c.

62. It shall be the duty of the returning officer to give such person into custody and to prosecute him for personation, or attempted personation, the costs thereby incurred to be charged and paid as part of his official expenses. Any returning officer refusing to give effect to this section shall be deemed guilty of misdemeanour, and shall be liable to a fine of *one hundred pounds*, unless in so declining to act he can give satisfactory reasons for doubting whether he was justified at the time in refusing to give the person into custody, and of prosecuting him:

Proviso.

Proviso; subsequent proceedings.

Provided also that upon considering the case, and finding that it was a case of personation under this Act, he thereupon takes steps to have the guilty person prosecuted, in which case no fine or disability shall be inflicted.

Removing or defacing list of voters, register, or

63. Any person found guilty of unlawfully removing any list of voters, copy of register, or other paper, document, or notice from the place where it is exhibited or deposited in pursuance of this

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other document.

Act, or of mutilating or defacing any or either of them, shall be deemed guilty of an illegal practice within the meaning of this Act, and shall, upon conviction, be liable to a penalty of *twenty pounds*, or to imprisonment for any term not exceeding *six months* with or without hard labour.

PART III.

APPOINTMENT OF REGISTRATION AND RETURNING OFFICERS UNDER THIS ACT.

Registration and returning officers.

64. One and the same person shall act as and fulfil the duties of registration and returning officer in each of the several counties and boroughs or divisions of counties and boroughs in the United Kingdom, and such registration and returning officers shall be appointed as follows:—

Counties, and divisions of counties.

(1.) In counties and divisions of counties, the sheriff of the county or county of city shall appoint duly qualified and fit persons to act as the registration and returning officers for the several divisions of the county over which he has jurisdiction.

Boroughs and cities.

(2.) In municipal boroughs and cities, the mayor, deputy mayor, or alderman appointed by the mayor, shall appoint the registration and returning officer for such municipal borough or city.

Divisions of cities and boroughs.

(3.) In the event of such borough or city comprising several or more than one electoral division, the said registration and returning officers respectively shall be appointed by the mayor, deputy mayor, or alderman aforesaid, for each such electoral division respectively.

City of London.

(4.) In the City of London, the sheriffs shall appoint a duly qualified person to act as registration and returning officer for the said city.

Metropolis other than the city.

(5.) In the several metropolitan parliamentary boroughs and divisions, the sheriffs of Middlesex, Surrey, and Kent respectively shall appoint the registration and returning officer for each such borough and division respectively.

Scotland.

(6.) In Scotland, the sheriff of the county shall appoint the registration and returning officers for the counties and divisions of counties over which he has jurisdiction.

Ireland.

(7.) In Ireland, the sheriff of the county shall appoint the registration and returning officers for the counties and divisions of counties respectively.

Appointment of deputy

(8.) The returning officer in each and every case shall appoint his deputy returning officer, and he shall be held responsible

for the due discharge of all the duties pertaining to such office.

returning officers.

65. Every person called upon to act, and who undertakes to act, as registration and returning officer shall be held responsible for the due and lawful discharge of all the duties of such office, and for seeing that the requirements of the law relating to parliamentary elections are faithfully observed, and otherwise for the proper conduct of the election.

Responsibility of registration and returning officers.

66. No registration and returning officer or deputy returning officer shall act as election agent for any candidate; nor shall any partner in any firm with which he may be connected, or in which he is pecuniarily interested, act as election agent for any candidate for the constituency in which such returning officer presides.

Returning officer or deputy not to act as election agent.

67. The appointment of registration and returning officer shall in each case be subject to the approval of Her Majesty's Principal Secretary of State for the Home Department, by whom also any such appointment may be cancelled in case of misconduct, or for non-fulfilment of duty:

Provided always, that the reasons for such removal from office shall be communicated to Parliament.

Returning officers to be approved by Secretary of State.

68. A return shall be made to the Home Office by the sheriffs of the counties, or other persons as herein-before provided in each year, during the month of *January*, of the names and addresses of every registration and returning officer for the whole of the divisions of the United Kingdom, and such return shall be laid before Parliament annually.

Return to be made of names, &c. of officers.

69. It shall be the duty of the sheriffs of the counties and cities of counties, and other persons as herein-before provided, to send in such return in the month of *January* in each year, and any omission to do so shall subject the sheriff or person so offending to a penalty of *one hundred pounds*.

Sheriffs to make such return.

70. The registration and returning officer in each electoral division shall also make a return of the names and addresses of the deputy returning officers appointed by him, which return shall also be laid before Parliament, and any omission to do so shall subject such registration and returning officer to a penalty of *fifty pounds*.

Return of deputy officers.

71. Each registration and returning officer and deputy returning officer shall be appointed within four weeks after the *passing of this Act*, and shall hold office until the *first day of January one thousand nine hundred*.

Registration and returning officer to hold office for five years.

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To retire every fifth year.

72. On the *first day of January one thousand nine hundred*, and on the *first day of January* in each succeeding fifth year thereafter, a new appointment of registration and returning officers shall be made in manner herein-before provided, and subject to the same conditions as to approval by Her Majesty's Secretary of State for the Home Department.

To be re-eligible.

73. Any such registration and returning officer shall be eligible for re-appointment.

He may retire from office upon giving proper notice.

74. A registration and returning officer may retire from office upon giving twenty-eight days notice in writing of his intention so to do to the person or authority appointing him.

He shall vacate his office in certain cases.

75. A registration and returning officer shall vacate his office if—

(*a.*) he accepts or holds any of the offices or positions which he is by this Act prohibited from holding at the date of his appointment;

(*b.*) if he becomes bankrupt, or suspends payment, or files a petition for the liquidation of his affairs, or compounds with his creditors;

(*c.*) if he is found lunatic or become of unsound mind;

(*d.*) if he is concerned in or participates in the profits or any contract with any candidate.

Appointment of registration and returning officer in case of vacancy by death or otherwise.

76. In case a registration and returning officer or deputy registration and returning officer shall die, or cease to hold office, or in case the office shall become vacant at any time other than on the *first day of January one thousand nine hundred* or *first day of January* in any succeeding fifth year as aforesaid, the persons whose duty it is to appoint a registration and returning officer or officers shall, at latest, within one month after such vacancy shall occur, appoint another registration and returning officer or deputy officer, and shall cause such appointment to be advertised in the same manner as is before provided in respect to the appointments of registration and returning officers.

Returning officer, &c. to take oath of secrecy.

77. Every registration and returning officer and deputy officer shall on his appointment take oath or make affirmation that he will truly and duly discharge all the duties of such office, and that he will not disclose any matters pertaining thereto which may violate the secrecy of the ballot, or cause any annoyance or injury to any registered voter, candidate, agent, or other person before, at, and during, or after, any parliamentary election, or during his term of office as registration and returning officer.

Violation of oath, &c. Penalty.

78. Any violation of his oath or affirmation shall subject such registration and returning officer or deputy officer to a fine of *one hundred pounds*, and to an action for the recovery of damages by

any person aggrieved and injured by act, word, or deed on the part of the said officer :

Provided that such disclosure was not made in the due exercise of his rights and duties as registration and returning officer or deputy officer in accordance with the requirements of this Act, or other Acts for the time being in force. Proviso.

79. The ballot boxes, seals, and other necessary appliances and appurtenances for taking the votes at parliamentary elections, shall be in the custody of the registration and returning officer for the electoral division for the time being, who shall be held responsible for the safe custody of the same, and for their production for use, in an efficient working order, at the several polling stations for the division on the day and during the hours fixed for taking the votes at an election. Ballot boxes, &c. to be in custody of the returning officer.

80. All letters, diaries, books, papers, memoranda relating to official business, documents, ballot boxes, seals, and all other appliances and appurtenances for taking the votes at parliamentary elections, or belonging to the registration office, which may be in the custody, possession, or power of each registration and returning officer shall, on his ceasing to hold that appointment, be handed over to the registration and returning officer who may be appointed to succeed the said registration and returning officer so ceasing to occupy such office. Registration officer to deliver over all papers and documents to his successor in office.

81. Every registration and returning officer shall keep an account of all moneys received by him for copies of the register of voters or list of claims or parts thereof or otherwise under this Act, and of all moneys which shall have been received by the registration and returning officer under this Act for the purposes thereof, and shall account for and pay over the same to Her Majesty's Treasury. To account to the Treasury for all fees received. Framed on sections 40 & 41 Scotch Act, 24 & 25 Vict. c. 83.

Regulations as to Polling, &c.

82. The returning officer shall assign and regulate the polling stations in and for his electoral division in such way and manner as shall be for the convenience of the electors in the several wards or polling districts constituting such division, so that every voter shall, if practicable, have a polling station within one mile in any borough, and two miles in any county division of his registered residence : Convenient polling stations to be provided.

Provided that he shall not be bound to provide any such polling station for less than one hundred registered electors in any such district, unless any part of the electoral division is detached, and is more than two miles from the nearest polling station, in which case

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a polling station shall be provided for any such detached portion of the division.

Use of schoolroom or public room free of charge for poll.

83.—(1.) The returning officer at a parliamentary election may use, free of charge, for the purpose of taking the poll at such election, any convenient room in any school receiving a grant out of moneys provided by Parliament, and any room the expense of maintaining which is payable out of any local rate; but he shall make good any damage done to such room, and defray any expense incurred by the person or body of persons, corporate or unincorporate, having control of the same on account of its having been used for the purpose of taking the poll as aforesaid.

(2.) If the returning officer shall use any room in any unoccupied house for the purpose of taking the poll, the owner thereof shall not be liable to be rated or to pay any rate for such house by reason merely that it was hired temporarily for taking such poll.

Conduct of returning officer during election.

84. The returning officer shall see that the polling stations are duly open for taking votes on the day of election, and that there is free access thereto, without let or hindrance, or annoyance, for all registered electors desirous of recording their votes, and entitled to do so at such polling station; and he shall be held responsible for the peaceable conduct of such election; for which purpose he shall be authorised to remove any unauthorised person remaining in the polling station after having recorded his vote, and any person causing an obstruction or annoyance within the precincts of such polling station, or in the near neighbourhood thereof.

Keeping order in polling station, &c.

Returning officer to provide necessaries for the election.

85. The returning officer shall see that each polling station is fitted with adequate compartments for taking the votes; that a sufficient supply of ballot boxes, ballot papers, stamping instruments, and registers are at each polling station; that a presiding officer and poll clerks are duly appointed for each polling station; that a sufficient staff of clerks is employed to take the votes with all due despatch; and that all other things necessary for conducting the election are provided in accordance with this Act.

Counting the votes.

86. The returning officer shall appoint the counting clerks for the proper assorting and counting of the votes given for each candidate at the election.

Returning officer to decide validity of votes, &c.

87. Should any question arise as to the validity of any ballot paper, the returning officer shall decide as to its validity, and for which candidate the disputed vote was intended to be given; and such decision shall be final, unless the candidate, or his agent on his behalf, shall thereupon demand a scrutiny.

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Power of asking questions and administering oath, &c.

88. In the conduct of an election the returning officer, deputy returning officer, and presiding officer appointed by them or either of them, shall have the power of asking the questions and administering the oath authorised by law to be asked or administered to voters, and any justice of the peace and any returning officer may take and receive any declaration authorised or required by this Act to be taken in pursuance of this Act.

Wrongfully refusing, &c. to receive vote.

89. And every returning officer, deputy returning officer, or other officer of election or person whose duty it is to receive, count, certify, report, or give effect to the vote of any voter who wrongfully refuses or omits to receive, count, register, certify, or report, or give effect to the vote of such voter, shall forfeit the sum of *ten pounds* to the party aggrieved by such refusal or omission, to be recovered by action in the county court.

PART IV.

Expenses of Elections.

Returning officer's costs to be paid out of the Consolidated Fund.

90. *The official expenses properly incurred by the registration and returning officer in connexion with his duties as registration officer, or as returning officer, at and concerning any parliamentary election, shall be paid out of the Consolidated Fund, upon a scale to be fixed by the law officers of the Crown, with the approval of Parliament:*

Proviso.

Provided always, that the total amount in each case shall not exceed the maximum sum set forth in the schedule to this Act.

Return of registration charges to be laid before Parliament.

91.—(1.) The expenses incurred in pursuance of the duties of registration officer under this Act, and of all charges pertaining thereto, shall be sent to Her Majesty's Treasury during the month of *January* in each year, and a return thereof shall be laid before Parliament on or before the *thirty-first day of March* in each year of all charges incurred during each year ending *thirty-first day of December* respectively.

Charges of returning officer to be sent to the Treasury, and published.

(2.) And the amount of charges by the returning officer in respect of any election under this Act shall be sent in to the Treasury within fourteen days of the date of the election, and the amount so claimed and the amount sanctioned and paid by the Treasury shall be stated in the official return of expenses to be published by such returning officer.

Candidates address to be sent post free.

92. Every duly nominated candidate for a seat in Parliament who may go to the poll shall be entitled to send, post free, through the post one copy of his election address to each and every registered

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elector, in a closed envelope, properly addressed to each such registered elector. No other than electoral printed or written matter or communication shall be enclosed in such envelope sent post free as aforesaid. Any infringement of this section shall render the candidate liable to a penalty not exceeding the full amount of postage payable for the delivery of prepaid letters to the total electorate of the division according to the register:

No other matter to be enclosed. Penalty for infringement.

Proviso.

Provided always, that the candidate or his agent, or other authorised person acting on his behalf, was in any way privy to such infringement of this section, but not otherwise.

Willfully and knowingly infringing the law.

93. If any person shall wilfully and knowingly place in any such envelope containing the candidate's election address any communication of any kind other than the authorised printed or written electoral matter, he shall be guilty of a misdemeanour, and shall, on conviction, be liable to *three months* imprisonment with or without hard labour.

Official envelopes to be used.

94. The envelopes for the purposes of this portion of the Act shall be official envelopes in the form given in the schedule, and shall be supplied to the returning officer by the Postmaster-General through some one post office in the electoral division, and the returning officer shall deliver either to the candidate direct or to his accredited agent, on personal application being made for the same, a sufficient number of such official envelopes, upon giving notice in writing of the total number required according to the register, and depositing with such returning officer a sum equivalent to the total cost of prepaid postage, which amount, without deduction, unless otherwise provided, shall be returned to the candidate or his accredited agent immediately after the election.

Forfeiture of cost of postages by bogus candidates.

95. Should such candidate fail to go to the poll, or should he only obtain such an insignificant number of votes as to justify the belief that his candidature was not bonâ fide, then the amount deposited with the returning officer shall be forfeited to the revenue of the post office:

For the purposes of this section, the failure to obtain the votes of one-eighth of the total number of the votes given at such election shall be deemed "an insufficient number of votes."

Poll card to be sent by returning officer.

96. The returning officer for the division shall cause to be sent to every registered elector, two clear days before the day of election, a polling card stating thereon the names of the several candidates, in alphabetical order, the number of such elector on the register, the date and day of the election, the polling station where such elector shall record his vote, whether entitled to vote for more than

one candidate, the mode of voting, and the hours during which the ballot box will be open for receiving the votes of the electorate in the division, in the form given in the schedule.

Post free.

97. Such polling card shall be delivered post-free at the address of every registered elector, and no other than the official polling card shall be sent by any person whatsoever to any elector.

Costs of polling card.

98. The cost of printing and addressing the polling cards shall be part of the official expenses of the returning officer.

Expenditure of candidate.

99. All other lawful expenditure shall be borne by each parliamentary candidate respectively, but the total amount of such expenditure shall not exceed in any case the maximum sum stated in the schedule.

Excessive expenditure.

100. Any candidate proven to have expended, or sanctioned the expenditure, of more than the maximum sum given in the schedule to this Act, shall be deemed guilty of an illegal or corrupt practice, as the case may be, and shall, upon conviction, be subject to the several pains and penalties, or any of them, herein-after mentioned for such illegal or unlawful expenditure under the several sections pertaining to illegal or corrupt practices respectively.

Penalties. Section

Return of expenses.

101. The election agent of the candidate shall make a full and complete return to the returning officer of all expenditure incurred during the election, setting forth, in manner prescribed in the schedule, the several amounts paid or in dispute under their proper heads, such return, with all vouchers, to be transmitted to the returning officer within thirty-five days of the date when the candidates at such election are declared elected.

PART. V.

Illegal and Corrupt Payments and Practices.

Canvassing by hired persons illegal.

102.—(1.) The employment of hired canvassers, or of any person or persons hired in any other capacity who shall or do act as canvassers, or who do actually canvass for votes at an election, or in anticipation of an election, shall be deemed an illegal practice; and the candidate or agent of the candidate who employs or sanctions the employment of any such hired canvasser, or any person or persons who do actually canvass on behalf of any candidate;

(2.) Or who shall permit or suffer any person or persons in, near, or about the polling station to solicit or inquire, or do any act or thing to ascertain or endeavour to ascertain how or for whom such voter is about to vote or has voted, shall be guilty of an illegal

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practice. Provided always, that the agent or sub-agent of the candidate may, in the exercise of his duties, do as regards entry to the polling stations that which is lawful for the candidate personally to do, but not otherwise.

Canvassing by persons likely to unduly influence.

103.—(1.) Any person being a rate collector, collector of rents, landowner, or owner of house property, bailiff or agent for any owner of lands or house property in the electoral division, or any employer, member of a firm, partner in a concern, or shareholder in any company whose business is situate in the division, or any overlooker, foreman, deputy-foreman, or other person in any similar capacity or in authority who shall canvass for votes among ratepayers, tenants, employés, or others likely to be unduly influenced by any such canvass, shall be deemed guilty of an illegal practice.

Canvassing by magistrates, police, &c. prohibited.

(2.) No stipendiary magistrate, justice of the peace, commissioner, receiver, or clerk to the peace, or policeman, commissioner or assistant commissioner of police, or chief, head, or other constable, shall by word, message, writing, or in any other manner persuade, or endeavour to persuade, any elector to give, or dissuade any elector from giving his vote for the choice of any person to be a member to serve in Parliament for any county or borough, or division of a county or borough; and any of the persons aforesaid who shall be proven to have offended against this section shall be liable, at the instance of a suer, to a fine of *one hundred pounds.*

Payment, &c. for conveyance to the poll illegal.

104. No payment, contract for payment, or valuable consideration in lieu of payment, shall be made or promised for the purpose of procuring the election of a candidate at any election, on account of the conveyance of any elector to or from the poll, whether for the hire of horses, carriages, or other vehicle, or for railway or other fares, or otherwise; or for the loan of horses or conveyances at, during, or in connexion with any parliamentary election.

Letting, lending, or employing conveyance, &c. illegal.

105. A person shall not let, lend, or employ, for the purpose of conveying any elector to or from the poll, any public stage or hackney carriage, or any other carriage or vehicle of any sort whatever, or any horse or other animal kept or used for drawing the same; and if he lets, lends, or employs such carriage or other vehicle, or any horse or other animal, knowing that it is intended to be used for the conveyance of electors to or from the poll, he shall be guilty of an illegal practice.

Hiring, borrowing, or using conveyances, &c. illegal.

106. A person shall not hire, borrow, or use any carriage or other vehicle, or any horse or other animal, for the purpose of conveying voters to or from the poll; and if he does so, he shall be deemed guilty of an illegal practice:

Provided (1) that nothing in this Act shall prevent any elector using his own conveyance when going to and returning from the poll for the purpose of recording his vote and taking with him on that occasion any elector then going to record his vote, but not otherwise:

Use of own conveyance not illegal.

(2.) Provided also, that any one person, or two or more persons jointly, may hire any conveyance lawfully licensed for hire, for his or their own use to take him or them to and from the poll, but each such person shall pay for himself his full proportion of the expense so incurred; and no other voter than those subscribing as aforesaid shall be conveyed by or in any such conveyance:

Hiring for own personal use not illegal.

(3.) Provided also, that where the nature of a county or division of a county is such that any electors residing therein cannot reach their polling station without crossing the sea, or a branch or arm of the sea, the provisions of this Act shall not prevent provision being made for conveying such voters to their polling station; the amount of payment for such means of conveyance shall be separately stated in the candidate's return of expenses, and may be in addition to the maximum allowed by this Act.

Conveyance of voters by sea in certain case.

107. Subject to such exception as may be allowed by and in pursuance of this Act, if any payment, contract for or promise of payment, or promise of valuable consideration is made in contravention of this Act, either before, during, or after an election, the person making such payment, contract, or promise, shall be deemed guilty of an illegal practice; and any person receiving payment, or knowingly being a party to any contract for a promise of payment, or promise of valuable consideration in contravention of this Act, shall be deemed guilty of an illegal practice.

Illegal payments to be an illegal practice.

108.—(1.) No payment, contract for, or promise of payment, or promise of valuable consideration shall, for the purpose of promoting or procuring the election of a candidate at any election, be made to an elector, or to any other person whatsoever;

Payment or promise of payment for:

(2.) On account of the use of any house, land, building, or premises for the exhibition of any address, placard, bill, notice, or on account of the exhibition of any address, placard, bill, or notice, or to any voter acting as boardman, or for displaying placard or other notice as above;

Exhibiting bills, &c.

Provided that where the ordinary business of an elector is that of an advertising agent or bill poster, and he exhibits the bills, &c. in the course of his lawful, ordinary, and regular business, in which case this section shall not apply;

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(3.) On account of bands of music, processions, torches, flags, banners, cockades, ribbons, or other marks of distinction;

Bands of music, flags, &c.

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Proviso.

Provided that the issue of a differently coloured bill or placard by each candidate respectively, to distinguish his announcements from that of other candidates, shall not be deemed to be in contravention of this section;

Committee rooms in excess of number allowed.

(4.) On account of the use of any house, building, premises, or room, for the purpose of being used as a committee room, in excess of the maximum number allowed in the schedule to this Act; or

(5.) On account of any expenditure beyond the amount limited by this Act, or barred by this Act.

Any infringement of this section shall be deemed an illegal practice.

Corrupt withdrawal of candidate.

109. Any person who corruptly induces or procures any other person to withdraw from being a candidate at an election, in consideration of any payment or promise of payment or valuable consideration, and any person who is a party thereto; and any person withdrawing in pursuance of such inducement, procurement, or promise, shall be guilty of an illegal practice.

Publishing false statement of withdrawal.

110. Any person who before or during an election knowingly publishes a false statement of the withdrawal of a candidate at such election for the purpose of promoting or procuring the election of another candidate, or influencing the votes of the electors, shall be guilty of an illegal practice.

Illegal employment.

111. No person shall, for the purpose of promoting or procuring the election of a candidate at any election, be engaged or employed for payment or promise of payment, or promise of valuable consideration, for any purpose or in any capacity whatever, except for any purposes or capacities mentioned in the schedules to this Act, or except so far as payment is authorised by this Act.

Persons illegally employing or being employed.

112. Subject to such exception as may be allowed in pursuance of this Act, if any person is engaged or employed in contravention of this Act, either before, during, or after an election, the person engaging or employing him shall be deemed guilty of an illegal practice, and the person so engaged or employed shall also be deemed guilty of an illegal practice, if he in any way knew that such engagement or employment was contrary to law.

Illegal hire of committee rooms.

113. The hire and use of any room as committee room in each and all of the following cases shall be an illegal hiring:—

Licensed houses.

(1.) Any premises on which the sale by wholesale or retail of any intoxicating liquor is authorised by licence (whether the licence be for consumption on or off the premises), or

Club or association.

(2.) Any premises where any intoxicating liquor is sold or is supplied to members of a club, society, or association, or

(3.) Any premises whereon refreshment of any kind, whether food or drink, is ordinarily sold for consumption on the premises; or — Refreshment houses.

(4.) The premises of any school in receipt of a parliamentary grant, or any part of such premises. — Elementary school.

114. The hire or use of any such room in any of the premises before mentioned, for the purpose of promoting or procuring the election of a candidate at any election, shall be deemed an illegal practice; and the person who hires or uses any such premises or part thereof for a committee room, and the person letting or lending such premises or part thereof, if he knew that it was intended to be used as a committee room, shall be deemed guilty of an illegal practice. — Hiring or letting such rooms illegal.

115. The use of any such licensed house, premises, or part thereof, for any meeting to promote the election of any candidate, except it be for a public meeting, with free access to the same by the electors of the division in which it is situate, and is held in a room which is ordinarily let and used for the purpose of holding public meetings or arbitrations, or in which chambers or offices are set apart for such purposes at all times other than at parliamentary elections, shall be deemed an illegal practice: — Rooms for public meetings.

Provided always, that no intoxicating drinks shall be sold or supplied in the room where any such meeting as before mentioned is being held during such meeting, any violation of which proviso shall be deemed an illegal practice under this Act. — No intoxicants to be sold or supplied.

116.—(1.) Every bill, placard, poster, notice, or other printed or lithographed paper or matter, having reference to an election shall bear upon the face thereof the name and address of the printer and publisher; and any person printing, publishing, or posting, or causing to be printed, published, or posted any such bill, placard, poster, or other printed or lithographed paper or matter, aforesaid, which fails to bear upon the face thereof the name and address of the printer and publisher, shall be deemed guilty of an illegal practice. — Bills and records, &c. to bear name of printer.

(2.) And any person supplying the matter for and inducing the printer to print such publication without having thereon the name and address of such printer, shall be deemed guilty of an illegal practice. — Persons supplying matter, &c. for such bill, &c.

117. If any person votes or induces or procures any other person to vote at any election, knowing that such person is prohibited, whether by this Act or any other Act for the time being in force, from voting at such election, he shall be deemed guilty of an illegal practice. — Voting of prohibited person.

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Payment of election expenses through agent.

118. Except as permitted by or in pursuance of this Act, no payment and no advance or deposit shall be made by a candidate at an election, or by any agent on behalf of the candidate, or by any other person at any time, whether before, during, or after such election, in respect of any expenses incurred or to be incurred on account of or in respect of the conduct and management of such election otherwise than by or through the candidate, or the election agent of such candidate, whether acting in person or by a sub-agent; and all money provided by any person other than the candidate for any expenses incurred on account of or in respect to the conduct and management of the election, whether as gift, loan, advance, or deposit, shall be paid to the candidate or to his election agent, and not otherwise.

Proviso.

(1.) Provided that this section shall not be deemed to apply to the returning officer, nor to any person, for any small expense legally incurred by himself, if such small sum be paid out of his own pocket, and is not then or afterwards repaid to him.

Proviso.

(2.) Provided also that the total disbursements of such small sums shall not in the aggregate bear the semblance to corrupt or illegal expenditure, or show any concerted action on the part of any two or more persons.

Illegal payment.

A person who makes any payments, advance, or deposit in contravention of this Act, or pays any money so provided, shall be deemed guilty of an illegal practice.

Payment in excess of maximum.

119.—(1.) Subject to such exception as may be allowed in pursuance of this Act, no sum shall be paid, and no expense shall be incurred by a candidate at an election, or by his agent, whether before, during, or after an election, on account of or in respect to the conduct or management of such election, in excess of the maximum amount in that behalf, specified in the schedule to this Act.

By any person an illegal practice.

(2.) And any person, candidate, or election agent, who knowingly acts in contravention to this Act, shall be deemed guilty of an illegal practice.

Providing money for illegal purposes or in excess of maximum amount, an illegal practice.

120. Where any person knowingly provides money for any payment, which is contrary to the provisions of this Act, or for any expenses incurred in excess of the maximum amount allowed by this Act, or for replacing any money expended in any such payment or expenses, except where the same may have been allowed in pursuance of this Act, such person shall be deemed guilty of an illegal practice.

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Every payment to be vouched.

121. Every payment made by an election agent, whether by himself or a sub-agent, in respect of any expenses incurred on account of, or in respect to the conduct and management of an election, shall, except where less than *forty shillings*, be vouched for by a bill stating the particulars, and by a receipt.

Claim to be sent in within fourteen days.

122. Every claim against a candidate at an election, or his election agent in respect of any expenses incurred on account of or in respect of the conduct or management of such election, which is not sent in to the election agent within fourteen days after the day on which the candidates returned are declared elected, shall be barred, and shall not be paid, subject to such exception as may be allowed in pursuance of this Act; and the election agent who pays any claim in contravention of this enactment, shall be deemed guilty of an illegal practice.

All payments to be made within twenty-eight days.

123. All expenses incurred by or on behalf of a candidate at an election, and which are incurred on account of or in respect of the conduct and management of such election, shall be paid within twenty-eight days after the day on which the candidates returned are declared elected; and subject to such exception as may be allowed in pursuance of this Act, the election agent who makes a payment in contravention of this provision, shall be deemed guilty of an illegal practice.

Relief to candidate.

124. Where the election court reports that it has been proved to the satisfaction of such court that any payment made by an election agent in the contravention of this section was made without the sanction, connivance, or knowledge of the candidate, the election of such candidate shall not be void, nor shall he be subject to any incapacity under this Act, by reason only of such payment being made in contravention of this section.

Disputed claims.

125. If the election agent disputes any claim sent in to him, and refuses or fails to pay such claim in that account within the said specified period of twenty-eight days, such claim shall be deemed a disputed claim.

Order of court.

126. Any payment thereafter made by order of any competent court shall be deemed to have been made in pursuance of this Act, and shall exempt the candidate and agent from the provisions of this Act, in so far as they relate to such claims.

Leave by High Court or county court.

127. On cause being shown to the High Court or county court, such court may on application by the claimant, or by the candidate, or his election agent, by order give leave for the payment of the amount so claimed, although sent in after the specified time, or was

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disputed; and any sum so paid by the candidate, or his agent, shall be deemed to have been paid in compliance with the provisions of this Act.

Provided that where the disputed or too late claim is for an amount not exceeding *twenty pounds*, and the total of all such claims does not exceed *sixty pounds*, the application may be made to the county court of the district, and the said court may, on cause shown, by order give leave for the payment of the amount claimed.

Return of election expenses within thirty-five days.

128. Within thirty-five days after the day on which the candidates returned at an election are declared, the election agent of every candidate at that election shall transmit to the returning officer a true return, in the form and manner by this Act provided, of all payments made by the election agent and by the candidate, together with all the bills and receipts; the amount of personal expenses, if any, and of all other payments made by the candidate in respect of the election, together with a statement of all disputed claims of which the election agent is aware; of all unpaid claims, if any, in respect of which application has been or is about to be made to the High Court or county court; and of all money, securities, and equivalent of money received by the election agent from the candidate or from any other person for the purpose of expenses incurred or to be incurred on account of or in respect of the conduct or management of the election, with the name of every person from whom such money may have been received by such election agent.

Declaration by election agent.

129. The return so transmitted to the returning officer shall be accompanied by a declaration made by the election agent before a justice of the peace respecting the election expenses, in the form set forth in the schedule to this Act.

Declaration by candidate.

130. At the same time, or within seven days thereafter, the candidate shall transmit or cause to be transmitted, a declaration made before a justice of the peace in the form set forth in the schedule to this Act.

Declaration by candidate when his own election agent.

131. Where the candidate has named himself as his election agent, he shall make a return similar in all respects to that which should have been made by the election agent appointed by him, accompanied by a declaration made before a justice of the peace respecting the election expenses as set forth in the schedule to this Act.

Failure to make return an illegal practice.

132. If without such lawful and authorised excuse as is in this Act mentioned, a candidate or an election agent fails to comply with the requirements of this section, he shall be deemed guilty of an illegal practice.

If failure due to others, candidate exonerated.

133. Where it appears to the court that any person being or having been an election agent or sub-agent has refused or failed to make such return or supply such particulars as will enable the candidate and his election agent respectively to comply with the provisions of this Act as to the return and declaration respecting the election expenses, the court shall order the person refusing or failing to make return or supply particulars to attend before the court, and on his attendance shall, unless he shows cause to the contrary, order him to make the return and declaration or to deliver a statement of the particulars required to be contained in the return, as to the court shall seem just, and to make and deliver the same within such time and to such person and in such manner as the court may direct, or may order him to be examined in respect to such particulars, and may in default of compliance with any such order inflict a fine not exceeding *five hundred pounds*, which fine shall be in lieu of, not in addition to the penalties herein-after mentioned, imposed for any infringement of this Act, unless it shall appear that such person was otherwise guilty of an illegal or corrupt practice.

Fine for non-compliance with order of court.

Exemption of candidate or election agent from penalties.

134. If it shall appear to the court that failure to make the return and declaration by the candidate and his election agent required by this Act, was due to the non-compliance of other persons over whom he or they had no control, the court may thereupon exempt the candidate and his election agent or either of them from the penalties for illegal practices mentioned in this Act; or

Exemption in case of illness or death.

135. If it shall appear that such failure to comply with the provisions of this Act was due to illness or death in any case, then the court may exempt the candidate or his election agent from the penalties for illegal practices mentioned in this Act; or

Relief by court in certain cases.

136. If it shall appear to the court that the failure was due to any legitimate cause which led to delay beyond the time limited by this Act, then the court shall have power to grant relief for a specified time, upon surety being given to the satisfaction of the court that the order in respect thereto will, without further delay, be complied with.

Failure to transmit return after expiration of leave given.

137. Where after the date at which the return respecting election expenses is herein provided to be transmitted, leave is given by the High Court or county court of the district for any claims to be paid, the candidate or his election agent shall within seven days after the payment thereof, transmit to the returning officer a return of the sums paid in pursuance of such leave, accompanied by a copy of the order of the court giving leave, and in default he shall be

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deemed to have failed to comply with the requirements of this section, without such authorised excuse as is in this Act provided.

Members sitting and voting after date for transmitting return, &c. liable to penalty of 100*l.*

138. If in the case of an election for any county or borough, or division of a county or borough, the return and declarations as to the election expenses are not returned to the returning officer before the expiration of the time limited by this Act, the candidate shall not, after the expiration of such time, sit or vote in the House of Commons as member for that county, borough, or division of county or borough, until either such return and declarations have been transmitted, or until the date of the allowance of such authorised excuse for the failure to transmit the same as in this Act mentioned; and if he sits or votes in contravention of this enactment, he shall forfeit *one hundred pounds* for every day on which he so sits or votes to any person who sues for the same.

Claim of election agent.

139. So far as circumstances admit, this Act shall apply to a claim for his remuneration by an election agent, and to the payment thereof, in like manner as if he were any other creditor, and if any difference arises respecting the amount of such claim, the claim shall be a disputed claim within the meaning of this Act, and be dealt with accordingly.

Taxation of claim against candidates.

140. If any action is brought in any competent court to recover a disputed claim against a candidate at an election, or his election agent in respect of any expenses incurred on account or in respect of the conduct or management of such election, and the defendant admits his liability, but disputes the amount of the claim, the said amount shall, unless the court on the application of the plaintiff in the action otherwise directs, be forthwith referred for taxation to the master, official referee, registrar, or other proper officer of the court, and the amount found due on such taxation shall be the amount to be recovered in such action in respect of such claim.

Saving for creditors.

141. The provisions of this Act prohibiting certain payments and contracts for payments, and the payment of any sum and the incurring of any expense in excess of the maximum allowed by this Act, shall not affect the right of any creditor who, when the contract was made or the expense incurred, was ignorant of the same being in contravention of this Act.

Provided that such payment or contract for payment, was not for any purpose mentioned in this Act as an illegal payment, or for any illegal or corrupt practice under this Act.

Intimidating, threatening, or injuring a voter at any meeting or time pending

142. Any person or persons who by himself or others prevents by force, intimidation, or threat, any voter who is lawfully entitled to vote from giving his support or advocacy in a legal manner at any meeting called or held by, or on behalf or in the interest of any

candidate, or in favour of the election of any lawfully qualified person to serve as a member in Parliament, and any person or persons who by himself or others injures any voter in person or property on account of such support or advocacy, or in case of conspiracy of one or more persons engaged therein, do or cause to be done any act or furtherance of the object of such conspiracy whereby the voter is injured in his person or property or deprived of having or exercising any right or privilege of a voter as aforesaid, shall be guilty of an illegal practice, and the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation against any one or more of the persons so acting or conspiring.

an election or otherwise to be an illegal practice.

143. Every person who having a knowledge that any of the wrongs conspired to be done and mentioned in the preceding section are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, shall, if such wrongful act be committed, be guilty of an illegal practice, and shall be liable to the party injured or his legal representatives for all damages caused by any wrongful act which such person by reasonable diligence could have prevented, and such damages may be recovered, and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action, but no action under the provisions of this Act shall be sustained which is not commenced within *one year* after the cause of action has accrued.

Persons neglecting to prevent such intimidation and damage to be also guilty of an illegal practice.

144. If any candidate or his election agent, or any person with his knowledge or consent, shall prevent by force, intimidation, or threat, any voter who is lawfully entitled to vote and giving his support or advocacy in a legal manner at any meeting called or held by or on behalf or in the interest of any candidate to serve as a member in Parliament, or to injure any voter in person or property on account of such support or advocacy, he shall be deemed guilty of an illegal practice.

If any candidate shall do any such prohibited act it shall be an illegal practice.

145. Subject to the exceptions and provisoes herein contained:

(1.) Any person found guilty of an illegal practice, whether under the foregoing sections or under other provisions of this Act, shall, on summary conviction, be liable to a fine not exceeding *one hundred pounds*, and be incapable during a period of *five years* from the date of his conviction, of being registered as an elector or voting at any parliamentary election, whether held for or within the county or borough in which the illegal

Illegal practices by any person, fine of 100*l.* and loss of vote for seven years.

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practice was committed, or elsewhere in any part of the United Kingdom.

If by agent or sub-agent, fine of 100*l.* and loss of seat.

(2.) If committed by any duly authorised agent or sub-agent of the candidate, in addition to the fine of one hundred pounds inflicted upon the person committing the offence, the election shall be declared void, and the candidate shall not be capable of being elected to or sitting in the House of Commons during the Parliament for which the election was held; or

If by candidate, fine of 100*l.* and loss of seat for seven years.

(3.) If committed by the candidate, or by his knowledge and consent, the election shall be declared void, and such candidate shall, in addition to the payment of *one hundred pounds*, be held not capable of being elected to or of sitting in the House of Commons for *seven years* from the date of the report.

Proviso.

(4.) The foregoing penalties shall not be in addition to nor in lieu of any other penalties or incapacities imposed by and in pursuance of the provisions of this Act.

Corrupt Practices.

Personation or aiding and abetting personation. 35 & 36 Vict. c. 33.

146. Any person found guilty of personation or attempted personation, and every person aiding and abetting, or counselling the fraud of personating a voter, shall be deemed guilty of a corrupt practice under this Act.

Treating.

147. Any person who corruptly, by himself or by any other person, either before, during, or after an election, directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing any meat, drink, entertainment, or provision to or for any person for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at an election to or for any candidate, or on account of such person or any other person having voted or refrained from voting at such election for any candidate, shall be deemed guilty of treating; and every person found guilty of treating under this section shall be deemed guilty of a corrupt practice under this Act.

To be a corrupt practice.

Being treated.

148. And any elector who corruptly accepts or takes any such meat, drink, entertainment, or provision, as defined by the preceding section, shall also be deemed guilty of a corrupt practice under this Act.

Undue influence.

149. Every person who shall directly or indirectly, by himself or by any other person on his behalf, make use of or threaten to make use of any force, violence, or restraint, or inflict or threaten to inflict, by himself or by any other person on his behalf, any temporal or spiritual injury, damage, harm, or loss upon or against any person, in order to induce or compel such person to vote or

refrain from voting, or from giving his support or advocacy in a legal manner at any meeting called or held by, or on behalf, or in the interest of any candidate at an election, or on account of such person having voted or refrained from voting at any election, or who shall by abduction, duress, or any fraudulent device or contrivance, impede or prevent the free exercise of the franchise of any elector, or shall thereby compel, induce, or prevail upon any elector either to give or to refrain from giving his vote at any election, shall be deemed guilty of undue influence. A.D. 1894.

150. And every person found guilty of undue influence under this section shall be deemed guilty of a corrupt practice under this Act. To be a corrupt practice.

151. Every person who shall, directly or indirectly, by himself or by any other person on his behalf, give, lend, or agree to give or lend, or shall offer, promise, or promise to procure or to endeavour to procure, any money or valuable consideration to or for any voter, or to or from any person on behalf of any voter, or to or for any other person, in order to induce any voter to vote for any candidate, or to refrain from voting, or shall corruptly do any act as aforesaid on account of such voter having voted or refrained from voting at an election. Bribery, &c.

152. And every person who shall, directly or indirectly, by himself or by any other person on his behalf, give or procure, or agree to give or procure, or offer, promise, or promise to procure, or endeavour to procure, any office, place, or employment to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce such voter to vote or refrain from voting, or shall corruptly do any such act as aforesaid on account of any voter having voted or refrained from voting at any election. Procurement of office or employment, &c.

153. And every person who shall, directly or indirectly, by himself or by any other person on his behalf, make any such gift, loan, offer, promise, procurement, or agreement as aforesaid, to or for any person, in order to induce such person to procure or endeavour to procure the return of any person to serve in Parliament, or the vote of any voter at any election. Gift, loan, or promise of gift or loan, &c.

154. And every person who shall, upon or in consequence of such gift, loan, offer, promise, procurement, or agreement, procure or engage, promise, or endeavour to procure the return of any person to serve in Parliament, or the vote of any voter at any election. Person corruptly aiding the return of candidate.

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Person supplying money, &c. corruptly to return a candidate.

155. And every person who shall advance or pay, or cause to be advanced or paid, any money to or to the use of any other person with the intent that such money or any part thereof shall be expended in bribery at any election, or who shall knowingly pay or cause to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election shall be deemed guilty of bribery and corrupt practices under this Act:

Proviso as to lawful expenditure.

Provided always that the aforesaid sections shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses bonâ fide incurred at or concerning any election.

Person corruptly receiving money, &c. to vote.

156. Every voter who shall, before or during any election, directly or indirectly, by himself or by any other person whatsoever on his behalf, receive or agree to receive, or contract for any money, gift, loan, or valuable consideration, office, place, or employment for himself or for any other person, for voting or agreeing to vote or for refraining or agreeing to refrain from voting at any election.

Person corruptly receiving money, &c. for voting.

157. And every person who shall after any election, directly or indirectly, by himself or by any other person on his behalf receive any money, gift, loan, or valuable consideration, office, place, or employment on account of having voted, or on account of any other person having voted or refrained from voting, or having induced any other person to vote or refrained from voting at any election:

Guilty of corrupt practices.

Shall be deemed guilty of bribery and corruption under this Act, and shall be subject to the penalties for a corrupt practice under the provisions of this Act.

Corrupt payment of rates or rent or remission of rent.

158. Any person who shall, either directly or indirectly, corruptly pay or promise to pay any rate on behalf of any ratepayer, or shall pay or remit any rent to, for, or on behalf of any registered elector, for the purpose of inducing him to vote or refrain from voting at any election, or on account of having voted or refrained from voting at any election, shall be deemed guilty of bribery and corruption.

Corruptly receiving, &c.

159. And any person who shall knowingly receive or be privy to any payment or remission aforesaid, either for himself or for any other person, shall also be deemed guilty of bribery and corruption.

Corruptly paying fee, &c. to or for university voter.

160. Any candidate or other person who shall, either directly or indirectly, corruptly pay, promise to pay, or cause to be paid any fee for the purpose of enabling any person to be registered as a voter for any university, and thereby to influence his vote at any future election; and any candidate or other person who shall, either directly or indirectly, pay, promise to pay, or cause to be paid

Corruptly cognizant of such payment.

such fee on behalf of any person for the purpose of inducing him to vote or refrain from voting; and any person on whose behalf and with whose privity any such payment or promise of payment is made, shall be deemed guilty of a corrupt practice under this Act.

Penalty one year's imprisonment and fine of 200*l.*

161. Subject to the exceptions and provisoes contained in this Act:

(1.) Any person found guilty of a corrupt practice under this Act, whether under any of the foregoing sections or under any other provisions of this Act, shall be guilty of a misdemeanour, and on conviction, either on indictment or before an election court, shall be liable to be imprisoned, with or without hard labour, for a term not exceeding *one year*, or to be fined in any sum not exceeding *two hundred pounds*.

Loss of vote for seven years.

(2.) And, in addition to any punishment as above provided, such person shall be incapable of being registered as an elector, or, being on the list of registered electors, of voting at any election in the United Kingdom, whether it be a parliamentary or municipal election, or an election for any public office, during a period of *seven years* from the date of his conviction; or

Incapacitated from holding office.

(3.) Of holding any public or judicial appointment or office, whether within the meaning of this Act, or of any Act for the government of municipal or other local institutions, and if he holds any such office, such office shall be vacated; or

Justice of the peace to be removed from commission of the peace.

(4.) If a justice of the peace, the Lord Chancellor shall remove his name from the list of such justices, and he shall not thereafter be placed upon any commission of the peace; or

Barrister or solicitor or professional men to be subject to other disabilities.

(5.) If a barrister or solicitor, or he holds any appointment in or belongs to any profession, the admission to which is regulated by law, the tribunal for dealing with the conduct of its members shall take cognizance of his misconduct, and shall impose such penalties or disabilities as in the judgment of such tribunal shall meet the justice of the case; and

(6.) If a clerk in holy orders, the bishop of the diocese shall inhibit him from officiating in any parish for a period of *seven years*.

Licensed victuallers, &c. to lose license.

(7.) If a licensed victualler or other licensed person licensed to sell refreshments, and the offence was knowingly committed upon or within his premises, his license shall be revoked, and he shall be declared to be incapable of holding any such license for a period of *seven years*.

Committed by agent, loss of seat for seven years.

(8.) If committed by any duly authorised election agent or sub-agent of the candidate, in the furtherance of such candidate's election, the election shall be declared void, and such candidate shall be incapable of being elected to and of sitting in the

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House of Commons for a period of *seven years* from the date of the conviction of such agent or sub-agent.

Committed by candidate or the election agent, loss of seat for ever.

(9.) If committed by the candidate or by the election agent to a candidate, with the knowledge and consent of such candidate, the election shall be declared void, and the candidate shall be for ever incapable of being elected to or of sitting in the House of Commons; or

Person so guilty not entitled to seat in House of Lords.

(10.) Of being permitted to subscribe the oath, or of sitting in the House of Lords as a peer of the realm.

Corrupt withdrawal of election petition.

162. If any person on behalf of any candidate makes any agreement or terms, or enters into any undertaking, in relation to the withdrawal of an election petition, and such agreement or terms or undertaking is or are for the withdrawal of the election petition in consideration of any payment, or in consideration that the seat shall at any future time be vacated, or in consideration of the withdrawal of any other election petition, or is or are (whether lawful or unlawful) not mentioned in the affidavits laid before the court in respect of such petition, in pursuance of this Act or any other Act, he shall be guilty of a misdemeanour and be deemed guilty of a corrupt practice under this Act.

False declaration.

163. If any candidate, or his election agent, or any registration and returning officer, knowingly makes the declaration required by this Act falsely, he shall be guilty of an offence, and on conviction thereof shall be liable to the punishment for wilful and corrupt perjury, such offence shall also be a corrupt practice within the meaning of this Act, and the person found guilty thereof shall be deemed guilty of a corrupt practice under this Act, and shall be liable to any or all the penalties mentioned in this Act pertaining to such person, and in respect of such offence:

Relief to candidate.

(1.) Provided that where the candidate is out of the United Kingdom at the time when the return so transmitted to the returning officer, and that the reasons for or cause of his absence shall be deemed satisfactory to such returning officer, or to the High Court if the returning officer declines to accept such excuse of absence, the declaration required by this Act may be made by such candidate within fourteen days after his return to the United Kingdom, and in that case shall be forthwith transmitted to the returning officer:

Election agent not exonerated.

(2.) Provided also that the delay hereby authorised shall not exonerate the election agent from complying with the provisions of this Act as to the return and declaration respecting election expenses, in so far as they relate to such election agent.

Employment of person convicted of

164. If on the trial of an election petition it shall appear that the candidate has engaged or employed as his election agent, or

other person for the management or conduct of such election, any person knowing that such person has within *seven years* of such employment been found guilty of illegal or corrupt practices by any competent legal tribunal, or has been reported guilty of illegal or corrupt practices by a Committee of the House of Commons, or by a report of any judge upon an election petition, or by the report of Commissioners appointed for the purpose, the election of such candidate shall be void.

Illegal or corrupt practices.

Voidance of election.

165. If on the trial of an election petition it shall appear to the court that there was general corruption in the constituency, although specific charges may not have been proved against any person or persons, the court may upon being satisfied that the candidate, either by himself or by his agents, directly or indirectly, committed or connived at any of the corrupt or illegal practices before specified, declare such election void, and may inflict any of the penalties in this Act provided against illegal and corrupt practices, as it may deem just to ensure purity of election.

General corruption or illegal practices to void election and render persons liable to penalties.

166. For the purposes of this Act "any person" shall be deemed to include any society, association, committee, or club, in so far as the provisions thereof apply to illegal or corrupt practices; and any such society, association, committee, or club, and all the members thereof, may be indicted for illegal or corrupt practices in the same way and manner as if done by any person or persons individually:

"Person" to include society, association, committee, or club.

Provided that the exemptions, exceptions, and provisoes herein contained shall in like manner be extended to any and all the members of any such society, association, committee, or club.

Proviso.

PART VI.

Conduct and Management of Elections, Method of Polling, Day of Poll, Returns, &c.

Declaratory Ancient Statutes.

Declaratory elections to be free.

Recital of statutes.

3 Edw. I. Statutes of Westminster, the First, c. 5.

Freedom of election.

1 W. & M. Sess. 2. c. 2. s. 8.

Freedom of speech.

1 W. & M. Sess. 2. c. 2. s. 9.

167.—(1.) And because elections ought to be free, the Sovereign commandeth upon great forfeiture, that no man by force of arms, nor by malice, or menacing, shall disturb any, to make free election.

(2.) That election of members of Parliament ought to be free.

(3.) That the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament.

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Frequent Parliaments. 1 W. & M. Sess. 2. c. 2. s. 13.

(4.) That for redress of all grievances, and for the amending, strengthening, and preserving of the laws, Parliaments ought to be held frequently.

Interference of peers and prelates in elections. Sessional order.

168. No lord of Parliament, or other peer or prelate not being a peer of Ireland, nor any minister of the Crown, or Crown servant, at the time elected and not having declined to serve in any constituency in Great Britain, shall concern himself in the election of members of Parliament, except only any peer of Ireland at such election in Great Britain where such peer shall appear as a candidate, nor shall any lord lieutenant or governor of any county avail himself of his authority to influence an election, and in case any such person shall interfere in an election on behalf of any candidate under this provision, such person or persons shall be deemed guilty of a corrupt practice under this Act, and shall upon conviction be punished as herein provided, and if done with the knowledge, consent, or connivance of the candidate, such election shall be declared void, and the candidate next on the poll shall, if not similarly implicated, or not found guilty of contravening the provisions of this Act, be declared duly elected for such constituency.

Soldiers to be confined to barracks during election.

169. On every day appointed for the nomination or for the election, or for taking the poll for the election of a member or members to serve in the Commons House of Parliament, no soldier shall be allowed to go out of the barracks or quarters in which he is stationed, unless for the purpose of mounting or relieving guard; and every soldier allowed to go out for any such purpose, and those who may be relieved shall return to his barrack or quarters with all convenient speed as soon as his guard shall have been relieved.

Notice by Clerk to the Crown to Secretary of State for War.

170. When and so often as any election of any member or members to serve in the Commons House of Parliament shall be appointed to be made, the clerk to the Crown in Chancery, or other officer making out any new writ for such election, shall, with all convenient speed after making out the said writ, give notice thereof to the Secretary of State for War, or in case there shall be no Secretary of State for War, to the person officiating in his stead, who shall at the earliest convenient time before the day appointed for such nomination and election, give notice thereof in writing to the general officer commanding in each district of Great Britain and Ireland, who shall thereupon give the necessary orders for enforcing the execution of this Act in all places under his command:

Notice by Secretary of State for War to commanding officer.

Provided always that nothing in this Act contained shall be deemed to apply to any soldiers attending as the guard of Her Majesty, or any person of the royal family, or to soldiers usually stationed or employed within the Bank of England, or at other public buildings under the sanction of the War Office.

Proviso as to mounting guard, &c.

171. In like manner any corps or company of Militia, Yeomanry corps or company, or corps or company of Volunteers, assembled for training, shall be confined to the barracks or quarters where for the time being they are quartered:

Militia, Yeomanry, and Volunteers.

Provided always that any members of such corps or company may be allowed leave of absence by their respective officers for a limited time to go to their respective divisions to record their votes if they or any of them are entitled to vote by reason of being on the authorised list of registered electors for any such division.

Provision as to leave of absence to vote.

172. No person having a right to vote at an election for any county or borough, or division of a county or borough, shall be liable or compelled to serve as a special constable at or during any election for the said division, unless he shall consent so to act; and he shall not be liable to any fine, penalty, or punishment whatsoever for refusing so to act, any statute, law, or usage to the contrary notwithstanding.

Registered elector not to be compelled to serve as special constable.

173. When any act is required to be done as a pre-requisite or qualification for voting, every person charged with the duty of furnishing to voters an opportunity to perform such pre-requisite, or to become qualified to vote, shall give to all voters of the United Kingdom the same and equal opportunity to perform such pre-requisite and to become qualified to vote.

Liability on persons not performing any pre-requisite under this Act.

174. Every person charged with the duty specified in the preceding section who refuses or knowingly omits to give full effect to the section shall forfeit the sum of *ten pounds* to the party aggrieved by such refusal or omission, to be recovered by an action on the case.

Penalty for refusing to give effect to the preceding section.

175. Every person who subjects or causes to be subjected any voter to the deprivation of any rights, privileges, or immunities secured to him by law shall be liable to the party injured in an action.

And liability in civil action to party aggrieved.

176. If two or more persons conspire to prevent by force, or intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under this Act, or from discharging any duties thereof, or to induce by like means any such person to leave any place where his duties under this Act are

Penalties on parties conspiring.

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required to be performed, or to injure his person or property on account of the lawful discharge of his duties, or while engaged in the lawful discharge thereof, or to mislead, interrupt, hinder, or impede him in the discharge of his official duties, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation against any one or more of the persons so conspiring.

Penalty on officers appointed under this Act obstructing voter.

177. Every person having powers or duties of an official character to discharge under any of the provisions of this Act who by threats or by unlawful means hinders, delays, prevents, obstructs, or combines and concerts with others to hinder, delay, prevent, or obstruct any voter from doing any act required to be done to qualify him to vote or from voting at any election, shall forfeit the sum of *twenty pounds* to the party aggrieved, to be recovered in action.

Issue and Return of Writ.

Time limited between teste and return of writ.

178. When at any time a new Parliament shall be summoned, or a writ be issued for the election of any member to serve in Parliament, there shall be *thirty-five days* between the date of issue of the writ or writs, and the return of the writs of summons.

Lord Chancellor to fix date of election and issue writ.

179. The Lord Chancellor, Lord Keeper, or Lord Commissioners of the Great Seal for the time being, shall fix the date of the nomination and election, and issue out the writ or writs for election of members to serve in Parliament, with all expedition, and the several writs shall be delivered to the proper officer to whom the execution thereof doth belong or appertain, and to no other person whatsoever.

Issue of precept for election.

180. Every such officer upon receipt of the said writ shall, upon the back thereof, endorse the day and date when he received the same, and shall forthwith make out the precept or precepts to each county and borough, or division of county or borough within his jurisdiction, where any member or members are to be elected to serve in such new Parliament, or to supply any vacancy during the then existing Parliament.

Delivery of precept to returning officer.

181. Within three days after the said writ of election such officer shall, by himself or proper agent, deliver, or cause to be delivered, such precept or precepts to the returning officer of every such county or borough, or division of a county or borough within

his jurisdiction to whom the execution of such precept doth belong or appertain, and to no other person whatsoever.

Returning officer to give public notice of election.

182. Every such returning officer shall endorse upon the back of such precept, the day and date of his receipt thereof, in the presence of the person from whom he received such precept, and he shall forthwith, in manner prescribed and set forth in the schedule, proceed to take measures for expediting the election by giving, or causing to be given public notice of the day of nomination, and the date and place of the election as fixed by the Lord Chancellor, Lord Keeper, or Lords Commissioners of the Great Seal for the time being as the case may be.

Dates of nomination and election.

183. The date of nomination shall not be earlier than the eighth, nor be later than the tenth day from the date of issue of writ, and the day of election shall be on the sixth, or at latest on the seventh day after the day of nomination.

Sundays, &c. not to count.

Provided always that Sundays, Christmas Day, Good Friday, and any public fast or thanksgiving day, are not counted, except as to the time between the date of issue of the writ and the return of the writ of summons, which shall remain at thirty-five days inclusive.

Day of nomination and election to be the same throughout the United Kingdom.

184. The date and day of nomination and of election shall be one and the same in each case respectively, in each and every county and borough, or division of county and borough, throughout the United Kingdom.

Parliament may be summoned within thirty-five days.

185. In case of a dissolution, by royal proclamation or otherwise, Parliament may be summoned to meet within thirty-five days after the date of the proclamation of such dissolution, dating from the day of receipt of writ by the proper officer to whom the execution thereof doth belong or appertain, but not otherwise.

Vacation of Seat.

Member accepting office to vacate his seat.

186. Any person being chosen a member of the House of Commons who shall accept any office of profit from or under the Crown, during such time as he shall be a member, his election shall be and is hereby declared to be void, and a new writ shall issue for a new election, as if such person so accepting was naturally dead.

Proviso as to re-election.

Provided, nevertheless, that such person shall be capable of being again elected as if his place had not become void as aforesaid.

Contractors to the

187. Any person being a member of Parliament who is, or may after his election become, a contractor under Government for the

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Government not to sit or vote.

supply of stores, or commodities of any kind, or who is a member of a firm, or partner, or shareholder in a concern having financial transactions with the Government, or any branch of the Government service, shall be incapable of sitting or voting in Parliament, so long as he derives any pecuniary profit from any such transactions. Should any such person sit and vote, he shall be liable to a penalty of *one hundred pounds* for every such offence under this Act.

Penalty for sitting and voting.

Vacancy after general election, Speaker to issue warrant for new writ.

188. In the event of a vacancy, after any general election, the Speaker, by the authority of the House of Commons, shall issue warrants to the clerk of the Crown to make out a new writ, or new writs, as the case may be, to fill any such vacancy; and

Issue of writ during recess.

Vacancy through death, &c.

189. During the recess, whether by prorogation or adjournment, the speaker shall issue his warrant to the clerk of the Crown to issue a new writ for electing a member of the House of Commons in the room of any member who shall die, or become legally incapacitated by acceptance of office or otherwise, or by having become a member of the House of Peers, upon receiving notice by a certificate, under the hands of two members of the House of Commons of the death of such member or notice of acceptance of office, or being legally disqualified, or that a writ of summons has been issued under the great seal summoning such peer to Parliament:

Proviso as to date of issue of writ and nomination and election.

Provided that in each such case the time limited by this Act shall apply as to date of issue of writ, date of nomination, and date of election, and all other matters pertaining thereto as in the case of a general election.

Member on accepting office to notify the Speaker.

190. In the event of a member of the House of Commons accepting office under the Crown which vacates his seat, it shall be the duty of such member to notify the same to the Speaker without delay.

Bankrupt to vacate his seat in Parliament.

191. If a person being a member of the House of Commons is adjudged a bankrupt, he shall be and remain during *one year* from the date of the order of adjudication incapable of sitting and voting in that House, unless within that time either the order is annulled, or the creditors who prove debts under the bankruptcy are fully paid or satisfied.

Proviso as to disputed claims.

Provided that such debts (if any) as are disputed by the bankrupt shall be considered for the purposes of this section, as paid or satisfied, if within the time aforesaid he enters into a bond, in such sum and with such sureties as the court approves to pay the amount to be recovered in any proceedings for the recovery of or

concerning such debts, together with any costs to be given in such proceedings. A.D. 1894.

Certificate of bankruptcy to be given by the court to the Speaker, who shall issue new writ.

192. If within the time aforesaid the order of adjudication is not annulled, and the debts of the bankrupt are not fully paid or satisfied as aforesaid, then the court shall, immediately after the expiration of that time, certify the same to the Speaker of the House of Commons, and thereupon the seat of such member shall be vacant, and the Speaker shall issue his warrant to the clerk of the Crown to make out a new writ for electing another member in the room of the member whose seat has so become vacant.

Nomination and Election.

Nomination of candidate to be in writing, &c.

193. A candidate for election to serve in Parliament for a county or borough, or division of a county or borough, shall be nominated in writing; the nomination paper shall be supplied free of cost by the returning officer, and shall be signed by two registered electors of such county or borough, or division of county or borough, as proposer and seconder, and by eight other registered electors of the same electoral division as assenting to such nomination, which nomination paper shall be delivered to the returning officer by the candidate himself or by his proposer or seconder between the hours of *eleven* o'clock in the forenoon and *one* o'clock afternoon on the day of nomination.

Declaration of election if no opposing candidate is proposed.

194. If at the expiration of two hours from the time fixed for receiving nominations as aforesaid, no more candidates stand nominated than there are vacancies to be filled up, the returning officer shall forthwith declare the candidate or candidates nominated to be duly elected, and shall return his or their names to the clerk of the Crown in Chancery as being duly elected to serve in Parliament for such constituency.

Adjournment of election for poll.

195. If more candidates stand nominated than there are vacancies to be filled, the returning officer shall adjourn the election, and shall take a poll in manner in this Act mentioned.

Withdrawal of candidate.

196. A candidate may, during the time appointed to receive nominations, but not afterwards, withdraw from his candidature by giving a written notice to that effect signed by himself to the returning officer: Provided that the proposer of a candidate nominated in his absence out of the United Kingdom may withdraw such candidate by a written notice signed by him and delivered to the returning officer, together with a written declaration of such absence of the candidate.

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Death of candidate. Declaration of election.

197. If after the adjournment of an election by the returning officer for the purpose of taking a poll one of the candidates shall die before the poll has commenced, or during the poll, the returning officer may, upon being satisfied of the fact of such death, declare the remaining candidate duly elected; but if there is more than one candidate remaining, the poll shall proceed as if no such death had taken place.

Vacancy caused by death, new writ to issue.

198. In any other case of death during the election of a candidate to sit in the House of Commons, the vacancy caused by such death shall be deemed a vacancy caused by the death of a member, and a new writ shall be issued accordingly.

Polling at Elections.

Votes to be given by ballot.

199. In the case of a poll at an election the votes shall be given by ballot, in manner generally set forth in the Seventh Schedule to this Act. The ballot of each voter shall consist of a paper, herein called a ballot paper, upon which the voter shall make a cross, thus +, opposite the name of the candidate for whom he wishes to vote. He shall then fold the ballot paper up so as to conceal his vote, and shall place it in the closed box, called the ballot box, in the presence of the officer after having shown him the official mark on the back.

Polling stations to be open from 8 a.m. to 9 p.m.

200. The polling stations in every case shall be opened for the purpose of receiving votes at eight o'clock in the morning, and shall be kept open until *nine* o'clock in the evening; and during the hours between eight o'clock in the morning and *nine* o'clock in the evening as aforesaid, the ballot boxes shall be open for receiving the vote of every qualified elector desirous of recording his vote, freely and without any obstruction whatsoever.

Ballot boxes to be sealed and taken charge of by returning officer.

201. At the close of the poll the ballot boxes shall be sealed up in the presence of those authorised to be in the polling station, so as to prevent the introduction of additional ballot papers or the abstraction of any that may have been lawfully placed therein, and shall be taken charge of by the returning officer, or his deputy, until the votes are counted.

Ballot boxes to be opened in presence of agents, &c.

202. Immediately preceding the counting, and not before, the ballot boxes shall be opened by the returning officer in the presence of the candidates, or their agents, if either or any of them are in attendance at the time fixed for counting the votes, and the result of the poll shall be ascertained by counting the votes given for each candidate.

Declaration of return by returning officer.

203. The candidate or candidates for whom a majority of the votes have been given shall be declared by the returning officer to

be duly elected to serve in Parliament, and he shall forthwith return such name or names to the clerk of the Crown in Chancery.

Returning officer's decision to be final.

204. The decision of the returning officer shall be final as regards the validity of any ballot paper and with respect to the candidate for whom any vote is given or intended to be given, subject to a reversal on petition questioning the election or return.

Proviso.

Equality of votes, casting vote by the returning officer.

205. In the event of an equality of votes, and the addition of one vote would entitle any candidate to be declared elected, the returning officer may give a casting vote, but otherwise he shall not be entitled to vote at such election.

Recount of votes.

206. Where at the counting of votes any candidate is dissatisfied with the result announced by the returning officer, he may by himself or his election agent demand a recount of the voting papers, and thereupon it shall be the duty of the returning officer to order that the votes be recounted forthwith; but in no case shall the counting when once commenced be adjourned until the following day.

Schedule to be construed with Act.

207. The Seventh Schedule to this Act, the directions therein, and the notes thereto annexed, shall for all the purposes of this Act be regarded as having the same legal effect, and shall be so construed as if the matters therein set forth were severally included in this Part of the said Act.

Offences at elections in respect of nomination paper.

Ballot papers.

Supplying ballot papers.

Fraudulent ballot papers.

Removing any ballot papers.

Destroying the property of returning officers.

208. Every person who,—

(1.) Forges or fraudulently defaces or destroys any nomination paper, or delivers to the returning officer any nomination paper, knowing the same to be forged; or

(2.) Forges or counterfeits, or fraudulently defaces or destroys any ballot paper, or the official mark on any ballot paper; or

(3.) Without due authority supplies any ballot paper to any person; or

(4.) Fraudulently puts into any ballot box any paper other than the ballot paper which he is authorised by law to put in; or

(5.) Fraudulently takes out of the polling station any ballot paper; or

(6.) Without due authority destroys, takes, opens, or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of the election;

Penalty for offences.

shall be guilty of a misdemeanour and be liable, if he is a returning officer or an officer or clerk in attendance at a polling station, to imprisonment for any term not exceeding *two years*, with or without hard labour; and if any other person to imprisonment for any term not exceeding *six months*, with or without hard labour.

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Attempt to commit offence punishable.

Any attempt to commit any offence specified in this section shall be punishable in the manner in which the offence itself is punishable.

Returning officer to prosecute.

209. In any indictment or other prosecution for an offence in relation to the several matters pertaining to an election, all properties, &c. shall be held to belong to the returning officer, and he shall prosecute accordingly.

Infringement of secrecy at polling station.

210. Every officer, clerk, agent, and other person in attendance at or permitted to enter the polling station during an election, shall maintain and aid in maintaining the secrecy of voting in such station, and shall not communicate, except for some purpose authorised by law, before the poll is closed any information to any person as to the name or number on the register of voters of any elector who has or has not voted or applied for a ballot paper at that station, or as to the official mark; and no such officer, clerk, agent, or other person, shall interfere or attempt to interfere with a voter when marking his vote, or disclose his vote, or otherwise attempt in the polling station to obtain information as to the candidate for whom any voter has voted or is about to vote.

At counting the votes.

211. Every officer, clerk, agent, or other person in attendance at the counting of votes, shall maintain and aid in maintaining the secrecy of the voting, and shall not attempt to ascertain at such counting the number on the back of any voting paper, or communicate any information obtained at such counting as to the candidate for whom any vote is given at such election.

Penalty.

Every person who acts in contravention of the provisions of this and the preceding section shall be liable, on summary conviction, to imprisonment for any term not exceeding *six months*, with or without hard labour.

Election Agents.

Election agent.

212. On or before the day of nomination at an election, a person shall be named in writing to the returning officer, by or on behalf of each candidate, as his election agent for such election, and the returning officer shall forthwith give public notice of the name and address of every such agent.

Candidate may be his own election agent.

A candidate may name himself as election agent, and thereupon shall, so far as circumstances admit, be subject to the provisions of this Act both as candidate and election agent, and any reference in this Act to lection agent shall apply to the candidate acting as his own election agent.

Appointment of election

213. One election agent only shall be appointed for each candidate, but the appointment, whether of candidate as agent or the

agent named, may be revoked; in which case, or in the event of the death of the agent, another agent shall be appointed, and his name and address shall be declared in writing to the returning officer, who shall forthwith give public notice of the same.

Agent may be revoked.

214. In the case of elections specified in the schedule to this Act, the candidate or his election agent on his behalf, may appoint sub-agents to act within the division for which he acts as agent for the candidate.

Sub-agents.

215. The agent may act by his sub-agent in all or any of such polling districts of the division, and all acts done to or by such sub-agent shall be deemed to have been done to and by the election agent, and any act or default of such sub-agent shall, if contrary to the provisions of this Act, be deemed to have been done by the election agent, and he and the sub-agent shall be liable accordingly; and the candidate shall suffer the like incapacity as if the said act or default was done by and through the election agent personally.

Act of sub-agent deemed act of agent.

216. One clear day before the polling the election agent shall declare, in writing, the name and address of every sub-agent to the returning officer, who shall forthwith give public notice of such appointment, and publish name and address of every sub-agent so declared in the division.

Declaration of name and address of sub-agent.

217. The appointment of a sub-agent shall not be vacated by the election agent who appointed him on his ceasing to be the election agent, but may be revoked by the candidate or by his election agent for the time being, in which event, or in the case of death of sub-agent, another may be appointed, and his name and address shall be declared, in writing, to the returning officer, who shall forthwith give public notice of the same, in manner aforesaid.

Power to revoke appointment of sub-agent.

218. Every election agent and sub-agent at an election shall have within his district an office or specified place to which all claims, notices, writs, summonses, and documents may be sent, and the address of such office or specified place shall be declared in writing to the returning officer at the same time as the appointment of such agent or sub-agent, and shall be stated in the public notice naming such agent and sub-agent.

Agent and sub-agent to have public office, &c.

219. The election agent of a candidate, by himself or sub-agent, shall hire every committee room hired on behalf of such candidate, and shall appoint every polling clerk, messenger, or other person employed for payment on behalf of a candidate at an election.

Agent to appoint polling agents, clerks, &c., and hire committee rooms.

220. A contract, whereby any expenses are incurred on account or in respect of the conduct or management of an election, shall not be enforceable against a candidate at such election unless made by

Contracts not enforceable unless made by

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candidate or agent.

the candidate himself, or by his election agent, or sub-agent appointed by him:

Proviso.

Provided that the inability to enforce such contract against the candidate shall not relieve him or his agents from the consequences of any corrupt or illegal practice having been committed either by the candidate or agent.

Election Expenses, Payment of, &c.

Personal expenses of candidate.

221. The candidate at an election may pay any personal expenses incurred by him on account of, or in connexion with, or incidental to such election to an amount not exceeding *one hundred pounds;* but any further payments or personal expenses incurred by him shall be paid by his election agent.

Statement to be sent to election agent.

222. The candidate shall send to the election agent, within the time limited by this Act for sending in claims, a written statement of the amount of personal and other expenses paid as aforesaid by such candidate.

Petty expenses by other person authorised.

223. Any person may, if so authorised in writing by the election agent of the candidate, pay any necessary expenses for stationery, postage, telegrams, and other petty expenses, to the total amount not exceeding that stated in the authority, but any excess above the total amount so named shall be paid by the election agent.

Statement thereof to be sent to the election agent.

224. A statement of the particulars of payments made by any person so authorised shall be sent to the election agent within the time limited by this Act for the sending in of claims, and shall be vouched for by a bill containing the receipt of that person.

Authorised excuse for non-compliance with provisions as to return and declaration respecting election expenses.

225.—(1.) Where the return and declarations respecting election expenses of a candidate at an election for a county or borough have not been transmitted as required by this Act, or being transmitted contain some error or false statement, then—

(*a.*) If the candidate applies to the High Court or an election court, and shows that the failure to transmit such return and declarations, or any of them, or any part thereof or any error or false statement therein, has arisen by reason of his illness, or of the absence, death, illness, or misconduct of his election agent or sub-agent, or of any clerk or officer of such agent, or by reason of inadvertence, or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant, or,

(*b.*) If the election agent of the candidate applies to the High Court or an election court, and shows that the failure to transmit the return and declarations which he was required to

transmit, or any part thereof, or any error or false statement therein, arose by reason of his illness or of the death or illness of any prior election agent of the candidate, or of the absence, death, illness, or misconduct of any sub-agent, clerk, or officer of an election agent of the candidate, or by reason of inadvertence or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant,

the court may, after such notice of the application in the said county or borough, and on production of such evidence of the grounds stated in the application, and of the good faith of the application, and otherwise, as to the court seems fit, make such order for allowing an authorised excuse for the failure to transmit such return and declaration, or for an error or false statement in such return and declaration, as to the court seems just.

(2.) The order may make the allowance conditional upon the making of the return and declaration in a modified form or within an extended time, and upon the compliance with such other terms as to the court seem best calculated for carrying into effect the objects of this Act; and an order allowing an authorised excuse shall relieve the applicant for the order from any liability or consequences under this Act in respect of the matter excused by the order; and where it is proved by the candidate to the court that any act or omission of the election agent in relation to the return and declaration respecting election expenses was without the sanction or connivance of the candidate, and that the candidate took all reasonable means for preventing such act or omission, the court shall relieve the candidate from the consequences of such act or omission on the part of his election agent.

(3.) The date of the order, or if conditions and terms are to be complied with, the date at which the applicant fully complies with them, is referred to in this Act as the date of the allowance of the excuse.

Publication of summary of return of election expenses.

226.—(1.) The returning officer at an election, within ten days after he receives from the election agent of a candidate a return respecting election expenses, shall publish a summary of the return in not less than two newspapers circulating in the county or borough for which the election was held, accompanied by a notice of the time and place at which the return and declarations (including the accompanying documents) can be inspected.

(2.) The return and declarations (including the accompanying documents) sent to the returning officer by an election agent shall

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be kept at the office of the returning officer, or some convenient place appointed by him, and shall at all reasonable times during one year next after they are received by the returning officer, be open to inspection by any person on payment of a fee of *one shilling*, and the returning officer shall on demand furnish copies thereof or at any part thereof at the price of *two pence* for every seventy-two words. After the expiration of the said year, the returning officer may cause the said return and declarations (including the accompanying documents), to be destroyed, or, if the candidate or his election agent so require, shall return the same to the candidate.

Disqualification of Electors.

Prohibition of persons guilty of corrupt or illegal practices, &c. from voting.

227. Every person guilty of a corrupt or illegal practice or of illegal employment, payment, or hiring at an election is prohibited from voting at such election, and if any such person votes his vote shall be void.

Prohibition of disqualified persons from voting.

228. Every person who, in consequence of conviction or of the report of any election court or election commissioners under this Act, or under Part IV. of the Municipal Corporations Act, 1882, or under any other Act for the time being in force relating to corrupt practices at an election for any public office, has become incapable of voting at any election, whether, a parliamentary election or an election to any public office, is prohibited from voting at any such election, and his vote shall be void.

Hearing of person before he is reported guilty of corrupt or illegal practice, and incapacity of person reported guilty.

229.—(1.) Before a person, not being a party to an election petition nor a candidate on behalf of whom the seat is claimed by an election petition, is reported by an election court, and before any person is reported by election commissioners, to have been guilty, at an election, of any corrupt or illegal practice, the court or commissioners as the case may be, shall cause notice to be given to such person, and if he appears in pursuance of the notice, shall give him an opportunity of being heard by himself and of calling evidence in his defence to show why he should not be so reported.

(2.) Every person reported by election commissioners to have been guilty at an election of any corrupt or illegal practice, may appeal against such report to the next court of oyer and terminer or gaol delivery held in and for the county or place inwhich the offence is alleged to have been committed, and such court may hear and

determine the appeal; and subject to rules of court such appeal may be brought, heard, and determined in like manner as if the court were a court of quarter sessions and the said commissioners were a court of summary jurisdiction, and the person so reported had been convicted by a court of summary jurisdiction for an offence under this Act, and notice of every such appeal shall be given to the Director of Public Prosecutions in the manner and within the time directed by rules of court, and subject to such rules, then within three days after the appeal is brought.

(3.) Where it appears to the Lord Chancellor that appeals under this section are interfering or are likely to interfere with the ordinary business transacted before any courts of oyer and terminer or gaol delivery, he may direct that the said appeals, or any of them, shall be heard by the judges for the time being on the rota for election petitions, and in such cases one of such judges shall proceed to the county or place in which the offences are alleged to have been committed, and shall there hear and determine the appeals in like manner as if such judge were a court of oyer and terminer.

(4.) Every person who after the *commencement of this Act* is reported by an election court or election commissioners to have been guilty of any corrupt or illegal practice at an election, shall, whether he obtained a certificate of indemnity or not, be subject to the same incapacity as he would be subject to if he had at the date of such election been convicted of the offence of which he is reported to have been guilty; provided that a report of any election commissioners inquiring into an election for a county or borough shall not void the election of any candidate who has been declared by an election court on the trial of a petition respecting such election to have been duly elected at such election, or render him incapable of sitting in the House of Commons for the said county or borough during the Parliament for which he was elected.

(5.) Where a person who is a justice of the peace is reported by any election court or election commissioners to have been guilty of any corrupt practice in reference to an election, whether he has obtained a certificate of indemnity or not, it shall be the duty of the Director of Public Prosecutions to report the case to the Lord High Chancellor of Great Britain, with such evidence as may have been given of such corrupt practice, and where any such person acts as a justice of the peace by virtue of his being, or having been, mayor of a borough, the Lord High Chancellor shall have the same

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power to remove such person from being a justice of the peace as if he was named in a commission of the peace.

(6.) Where a person who is a barrister or a solicitor, or who belongs to any profession, the admission to which is regulated by law, is reported by an election court or election commissioners to have been guilty of any corrupt practice in reference to an election, whether such person has obtained a certificate of indemnity or not, it shall be the duty of the Director of Public Prosecutions to bring the matter before the Inn of Court, High Court, or tribunal having power to take cognizance of any misconduct of such person in his profession, and such Inn of Court, High Court, or tribunal may deal with such person in like manner as if such corrupt practice were misconduct by such person in his profession.

(7.) With respect to a person holding a license or certificate under the Licensing Acts (in this section referred to as a licensed person) the following provisions shall have effect:

(*a.*) If it appears to the court by which any licensed person is convicted of the offence of bribery or treating that such offence was committed on his licensed premises, the court shall direct such conviction to be entered in the proper register of licences.

(*b.*) If it appears to an election court or election commissioners that a licensed person has knowingly suffered any bribery or treating in reference to any election to take place upon his licensed premises, such court or commissioners (subject to the provisions of this Act as to a person having an opportunity of being heard by himself and producing evidence before being reported) shall report the same; and whether such person obtained a certificate of indemnity or not, it shall be the duty of the Director of Public Prosecutions to bring such report before the licensing justices from whom or on whose certificate the licensed per on obtained his license, and such licensing justices shall cause such report to be entered in the proper register of licences.

(*c.*) Where an entry is made in the register of licenses of any such conviction of or report respecting any licensed person as above in this section mentioned, it shall be taken into consideration by the licensing justices in determining whether they will or will not grant to such persons the renewal of his licence or certificate, and may be a ground, if the justices think fit, for refusing such renewal.

(8.) Where the evidence showing any corrupt practice to have been committed by a justice of the peace, barrister, solicitor, or

other professional person, or any licensed person, was given before election commissioners, those commissioners shall report the case to the Director of Public Prosecutions, with such information as is necessary or proper for enabling him to act under this section.

(9.) This section shall apply to an election court under this Act, or under Part IV. of the Municipal Corporations Act, 1882, and the expression election shall be construed accordingly.

List in register of voters incapacitated for voting by corrupt or illegal practices.

230.—(1.) The registration officer in every county and borough shall annually make out a list containing the names and description of all persons who, though otherwise qualified to vote at a parliamentary election for such county or borough respectively, are not capable of voting by reason of having, after the commencement of this Act, been found guilty of a corrupt or illegal practice on conviction, or by the report of any election court or election commissioners, whether under this Act or under Part IV. of the Municipal Corporations Act, 1882, or under any other Act for the time being in force relating to a parliamentary election or an election to any public office; and such officer shall state in the list the offence of which each person has been found guilty.

(2.) For the purpose of making out such list he shall examine the report of any election court or election commissioners who have respectively tried an election petition or inquired into an election where the election (whether a parliamentary election or an election to any public office) was held in any of the following places; that is to say,

(*a.*) If he is the registration officer of a county, in that county, or in any borough in that county; and

(*b.*) If he is the registration officer of a borough, in the county in which such borough is situate, or in any borough of that county.

(3.) The registration officer shall publish the list, together with the list of voters, and shall also, in the case of every person found guilty of corrupt and illegal practices, omit his name from the list of persons entitled to vote, or, as circumstances require, add "objected" before his name in the list of claimants or copy of the register published by him, in like manner as is required by law in any other cases of disqualification.

(4.) Any person named in the Corrupt and Illegal Practices List may claim to have his name omitted therefrom, and any person entitled to object to any list of voters for the county or borough may object to the omission of the name of any person from such list. Such claims and objections shall be sent in within the same

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time and be dealt with in like manner, and any such objection shall be served on the person referred to therein in like manner, as nearly as circumstances admit, as other claims and objections under the enactments relating to the registration of parliamentary electors.

(5.) The registration and returning officer or other proper person named in this Act shall determine such claims and objections and shall revise such list in like manner as nearly as circumstances admit, as in the case of other claims and objections and of any list of voters.

(6.) Where it appears to the registration and returning officer or other proper person named in this Act that a person not named in the Corrupt and Illegal Practices List is subject to have his name inserted in such list, he shall (whether an objection to the omission of such name from the list has or has not been made, but) after giving such person an opportunity of making a statement to show cause to the contrary, insert his name in such list, and expunge his name from any list of voters.

(7.) A registration and returning officer in acting under this section shall determine only whether a person is incapacitated by conviction or by the report of any election court or election commissioners, and shall not determine whether a person has or not been guilty of any corrupt or illegal practice.

(8.) The Corrupt and Illegal Practices List shall be appended to the Register of Voters, and shall be printed and published therewith wherever the same is printed or published.

Proceedings on Election Petition.

Time for presentation of election petitions alleging illegal practice.

231.—(1.) Where an election petition questions the return or the election upon an allegation of an illegal practice, then, notwithstanding anything in the Parliamentary Elections Act, 1868, such petition, so far as respects such illegal practice, may be presented within the time following; (that is to say,)

(*a.*) At any time before the expiration of *twenty-eight days* after the day on which the returning officer received the return and declarations respecting election expenses by the member to whose election the petition relates and his election agent.

(*b.*) If the election petition specifically alleges a payment of money or some other act to have been made or done since the said day by the member or an agent of the member, or with the privity of the member or his election agent, in pursuance or in furtherance of the illegal practice alleged in the petition, the petition may be presented at any time within twenty-eight days after the date of such payment or other act.

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(2.) Any election petition presented within the time limited by this Act may, for the purpose of questioning the return or the election upon an allegation of an illegal practice, be amended with the leave of the High Court within the time within which a petition questioning the return upon the allegation of that illegal practice can under this section be presented.

(3.) This section shall apply in the case of an offence relating to the return and declarations respecting election expenses in like manner as if it were an illegal practice, and also shall apply notwithstanding that the act constituting the alleged illegal practice amounted to a corrupt practice.

(4.) For the purpose of this section—

(*a.*) where the return and declarations are received on different days, the day on which the last of them is received; and

(*b.*) where there is an authorised excuse for failing to make and transmit the return and declarations respecting election expenses, the date of the allowance of the excuse, or if there was a failure as regards two or more of them, and the excuse was allowed at different times, the date of the allowance of the last excuse,

shall be substituted for the day on which the return and declarations are received by the returning officer.

(5.) For the purposes of this section, time shall be reckoned in like manner as it is reckoned for the purposes of the parliamentary elections.

Withdrawal of election petition.

232.—(1.) Before leave for the withdrawal of an election petition is granted, there shall be produced affidavits by all the parties to the petition and their solicitors, and by the election agents of all of the said parties who were candidates at the election, but the High Court may on cause shown dispense with the affidavit of any particular person if it seems to the court on special grounds to be just so to do.

(2.) Each affidavit shall state that, to the best of the deponent's knowledge and belief, no agreement or terms of any kind whatsoever has or have been made, and no undertaking has been entered into, in relation to the withdrawal of the petition; but if any lawful agreement has been made with respect to the withdrawal of the petition, the affidavit shall set forth that agreement, and shall make the foregoing statement subject to what appears from the affidavit.

(3.) The affidavit of the applicant and his solicitor shall further state the ground on which the petition is sought to be withdrawn.

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(4.) Copies of the said affidavits shall be delivered to the Director of Public Prosecutions a reasonable time before the application for the withdrawal is heard, and the court may hear the Director of Public Prosecutions or his assistant or other representative (appointed with the approval of the Attorney-General), in opposition to the allowance of the withdrawal of the petition, and shall have power to receive the evidence on oath of any person or persons whose evidence the Director of Public Prosecutions or his assistant, or other representative, may consider material.

(5.) Where in the opinion of the court the proposed withdrawal of a petition was the result of any agreement, terms, or undertaking prohibited by this section, the court shall have the same power with respect to the security as where the withdrawal is induced by a corrupt consideration.

(6.) In every case of the withdrawal of an election petition the court shall report to the speaker whether, in the opinion of such court, the withdrawal of such petition was the result of any agreement, terms, or undertaking, or was in consideration of any payment, or in consideration that the seat should at any time be vacated, or in consideration of the withdrawal of any other election petition, or for any other consideration, and if so, shall state the circumstances attending the withdrawal.

(7.) Where more than one solicitor is concerned for the petitioner or respondent, whether as agent for another solicitor or otherwise, the affidavit shall be made by all such solicitors.

(8.) Where a person not a solicitor is lawfully acting as agent in the case of an election petition, that agent shall be deemed to be a solicitor for the purpose of making an affidavit in pursuance of this section.

Continuation of trial of election petition.

233. The trial of every election petition so far as is practicable, consistently with the interests of justice in respect of such trial, shall be continued de die in diem on every lawful day until its conclusion, and in case the rota of judges for the year shall expire before the conclusion of the trial, or of all the proceedings in relation or incidental to the petition, the authority of the said judges shall continue for the purpose of the said trial and proceedings.

Attendance of Director of Public Prosecutions on trial of election petition, and

234.—(1.) On every trial of an election petition the Director of Public Prosecutions shall by himself or by his assistant, or by such representative as herein-after mentioned, attend at the trial, and it shall be the duty of such Director to obey any directions given to him by the election court with respect to the summoning and

examination of any witness to give evidence on such trial, and with respect to the prosecution by him of offenders, and with respect to any person to whom notice is given to attend with a view to report him as guilty of any corrupt or illegal practice.

(2.) It shall also be the duty of such Director, without any direction from the election court, if it appears to him that any person is able to give material evidence as to the subject of the trial, to cause such person to attend the trial, and with the leave of the court to examine such person as a witness.

(3.) It shall also be the duty of the said Director, without any direction from the election court, if it appears to him that any person who has not received a certificate of indemnity has been guilty of a corrupt or illegal practice, to prosecute such person for the offence before the said court, or of he thinks it expedient in the interests of justice before any other competent court.

(4.) Where a person is prosecuted before an election court for any corrupt or illegal practice, and such person appears before the court, the court shall proceed to try him summarily for the said offence, and such person, if convicted thereof upon such trial, shall be subject to the same incapacities as he is rendered subject to under this Act upon conviction, whether on indictment or in any other proceeding for the said offence; and further, may be adjudged by the court, if the offence is a corrupt practice, to be imprisoned, with or without hard labour, for a term not exceeding *six months*, or to pay a fine not exceeding *two hundred pounds*, and if the offence is an illegal practice, to pay such fine as is fixed by this Act for the offence.

Provided that, in the case of a corrupt practice, the court before proceeding to try summarily any person, shall give such person the option of being tried by a jury.

(5.) Where a person is so prosecuted for any such offence, and either he elects to be tried by a jury or he does not appear before the court, or the court thinks it in the interests of justice expedient that he should be tried before some other court, the court, if of opinion that the evidence is sufficient to put the said person upon his trial for the offence, shall order such person to be prosecuted on indictment or before a court of summary jurisdiction, as the case may require, for the said offence; and in either case may order him to be prosecuted before such court as may be named in the order; and for all purposes preliminary and of and incidental to such prosecution the offence shall be deemed to have been committed within the jurisdiction of the court so named.

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(6.) Upon such order being made,

(*a.*) If the accused person is present before the court, and the offence is an indictable offence, the court shall commit him to take his trial, or cause him to give bail to appear and take his trial for the said offence; and

(*b.*) If the accused person is present before the court, and the offence is not an indictable offence, the court shall order him to be brought before the court of summary jurisdiction before whom he is to be prosecuted, or cause him to give bail to appear before that court; and

(*c.*) If the accused person is not present before the court, the court shall, as circumstances require, issue a summons for his attendance, or a warrant to apprehend him and bring him, before a court of summary jurisdiction, and that court, if the offence is an indictable offence, shall, on proof only of the summons or warrant and the identity of the accused, commit him to take his trial, or cause him to give bail to appear and take his trial for the said offence, or if the offence is punishable on summary conviction, shall proceed to hear the case, or if such court be not the court before whom he is directed to be prosecuted, shall order him to be brought before that court.

(7.) The Director of Public Prosecutions may nominate, with the approval of the Attorney-General, a barrister or solicitor of not less than ten years standing to be his representative for the purpose of this section, and that representative shall receive such remuneration as the Commissioners of Her Majesty's Treasury may approve. There shall be allowed to the Director and his assistant or representative, for the purposes of this section, such allowance for expenses as the Commissioners of Her Majesty's Treasury may approve.

(8.) *The costs incurred in defraying the expenses of the Director of Public Prosecutions under this section (including the remuneration of his representative) shall, in the first instance, be paid by the Commissioners of Her Majesty's Treasury, and so far as they are not in the case of any prosecution paid by the defendant shall be deemed to be expenses of the election court;* but if for any reasonable cause it seems just to the court so to do, the court shall order all or part of the said costs to be repaid to the Commissioners of Her Majesty's Treasury by the parties to the petition, or such of them as the court may direct.

Power to election court to

235.—(1.) Where upon the trial of an election petition respecting an election for a county or borough it appears to the election court

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that a corrupt practice has not been proved to have been committed in reference to such election by or with the knowledge and consent of the respondent to the petition, and that such respondent took all reasonable means to prevent corrupt practices being committed on his behalf, the court may make one or more orders with respect to the payment either of the whole or such part of the costs of the petition as the court may think right as follows :

order payment by county or borough or individual of costs of election petition.

(*a.*) If it appears to the court that corrupt practices extensively prevailed in reference to the said election, the court may order the whole or part of the costs to be paid by the county or borough ; and

(*b.*) If it appears to the court that any person or persons is or are proved, whether by providing money or otherwise, to have been extensively engaged in corrupt practices, or to have encouraged or promoted extensive corrupt practices in reference to such election, the court may, after giving such person or persons an opportunity of being heard by counsel or solicitor and examining and cross-examining witnesses to show cause why the order should not be made, order the whole or part of the costs to be paid by that person, or those persons or any of them, and may order that if the costs cannot be recovered from one or more of such persons, they shall be paid by some other of such persons or by either of the parties to the petition.

(2.) Where any person appears to the court to have been guilty of the offence of a corrupt or illegal practice, the court may, after giving such person an opportunity of making a statement to show why the order should not be made, order the whole or any part of the costs of or incidental to any proceeding before the court in relation to the said offence or to the said person to be paid by the said person.

(3.) The rules and regulations of the Supreme Court of Judicature with respect to costs to be allowed in actions, causes, and matters in the High Court shall in principle and so far as practicable apply to the costs of petition and other proceedings under this Act, and the taxing officer shall not allow any costs, charges, or expenses on a higher scale than would be allowed in any action, cause, or matter in the High Court on the higher scale, as between solicitor and client.

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Miscellaneous.

Inquiry by Director of Public Prosecutions into alleged corrupt or illegal practices.

236. Where information is given to the Director of Public Prosecutions that any corrupt or illegal practices have prevailed in reference to any election, it shall be his duty, subject to the regulations under the Prosecution of Offences Act, 1879, to make such inquiries and institute such prosecutions as the circumstances of the case appear to him to require.

Removal of incapacity on proof that it was procured by perjury.

237. Where a person has, either before or after the *commencement of this Act*, become subject to any incapacity under the Corrupt Practices Prevention Acts or this Act by reason of a conviction or of a report of any election court or election commissioners, and any witness who gave evidence against such incapacitated person upon the proceeding for such conviction or report is convicted of perjury in respect of that evidence, the incapacitated person may apply to the High Court, and the court, if satisfied that the conviction or report so far as respects such person was based upon perjury, may order that such incapacity shall thenceforth cease, and the same shall cease accordingly.

Amendment of law as to polling districts and polling places.

238.—(1.) Every county and borough, and division of a county and borough, shall be divided into polling districts, and a polling place shall be assigned to each district in such manner that, so far as is reasonably practicable, every elector resident in the county shall have his polling place within a reasonable distance from his residence, as herein-before provided.

(2.) In every county the registration and returning officer appointed under this Act shall from time to time divide the county into polling districts, and assign polling places to those districts, and alter those districts and polling places in such manner as may be necessary for the purpose of effectually carrying into effect the provisions of this Act.

(3.) The power of dividing a borough into polling districts vested in a local authority by the Representation of the People Act, 1867, and the enactments amending the same, shall be exercised by the registration and returning officer from time to time, and the said power shall be deemed to include the power of altering any polling district, and the said officer shall from time to time, where necessary for the purpose of carrying this section into effect, divide the borough into polling districts in such manner that—

(*a.*) Every elector resident in a borough shall be enabled to poll within a distance not exceeding one mile from his residence.

(*b.*) Every elector resident in a group of boroughs or district burghs shall be enabled to poll within a distance not exceeding one mile from his residence.

Expenses of arranging polling districts to be charged to the consolidated fund.

239. *The expenses incurred under this or any other Act in dividing their county or borough into polling districts, and, in the case of a county, assigning polling places to such districts, and in altering any such districts or polling places, shall be defrayed in like manner as if they were expenses incurred by the registration and returning officer in the execution of the sections respecting the registration of electors in such county or borough, and those sections so far as is consistent with the tenor thereof, shall apply accordingly.*

Election commissioners not to inquire into elections before the passing of this Act.

240. Where, after the *passing of this Act*, any commissioners have been appointed, on a joint address of both Houses of Parliament, for the purpose of making inquiry into the existence of corrupt practices in any election, the said commissioners shall not make inquiries concerning any election that shall have taken place prior to the passing of this Act, and no witness called before such commissioners, or at any election petition after the passing of this Act, shall be liable to be asked or bound to answer any question for the purpose of proving the commission of any corrupt practice at or in relation to any election prior to the passing of this Act.

Legal Proceedings.

Trial in Central Criminal Court of indictment for corrupt practice at instance of Attorney-General.

241. Where an indictment as defined by this Act for any offence under this Act is instituted in the High Court or is removed into the High Court by a writ of certiorari issued at the instance of the Attorney-General, and the Attorney-General suggests on the part of the Crown that it is expedient for the purposes of justice that the indictment should be tried in the Central Criminal Court, or if a special jury is ordered that it should be tried before a judge and jury at the Royal Courts of Justice, the High Court may, if it think fit, order that such indictment shall be so tried upon such terms as the court may think just, and the High Court may make such orders as appear to the court necessary or proper for carrying into effect the order for such trial.

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Limitation of time for prosecution of offence.

242.—(1.) A proceeding against a person in respect of the offence of a corrupt or illegal practice or any other offence under this Act shall be commenced within one year after the offence was committed, or if it was committed in reference to an election with respect to which an inquiry is held by election commissioners shall be commenced within *one year* after the offence was committed, or within three months after the report of such commissioners is made, whichever period last expires, so that it be commenced within *two years* after the offence was committed, and the time so limited by this section shall, in the case of any proceeding under the Summary Jurisdiction Acts for any such offence, whether before an election court or otherwise, be substituted for any limitation of time contained in the last-mentioned Acts.

(2.) For the purposes of this section the issue of a summons, warrant, writ, or other process shall be deemed to be a commencement of a proceeding, where the service or execution of the same on or against the alleged offender is prevented by the absconding or concealment or act of the alleged offender, but save as aforesaid the service or execution of the same on or against the alleged offender and not the issue thereof, shall be deemed to be the commencement of the proceeding.

Persons charged with corrupt practice may be found guilty of illegal practice.

243. Any person charged with a corrupt practice may, if the circumstances warrant such finding, be found guilty of an illegal practice, (which offence shall for that purpose be an indictable offence,) and any person charged with an illegal practice may be found guilty of that offence, notwithstanding that the act constituting the offence amounted to a corrupt practice, and a person charged with illegal payment, employment, or hiring, may be found guilty of that offence, notwithstanding that the act constituting the offence amounted to a corrupt or illegal practice.

Costs and expenses of prosecutions relating to bribery, &c., &c.
17 & 18 Vict. c. 102. s. 10.

244. It shall be lawful for any criminal or other court in this Act mentioned, before which any prosecution shall be instituted for any offence against the provisions of this Act, to order payment to the prosecutor of such costs and expenses as to the said court shall appear to have been reasonable in and about the conduct of such prosecution: Provided always, that no indictment for bribery or undue influence shall be triable before any court of quarter sessions.

In cases of private prosecutions, if judgment be

245. In case of any indictment or information by a private prosecutor for any offence against the provisions of this Act, if judgment shall be given for the defendant, he shall be entitled to

recover from the prosecutor the costs sustained by the defendant, by reason of such indictment or information, such costs to be taxed by the proper officer of the court in which such judgment shall be given.

given for the defendant, he shall recover costs from the prosecutor. 17 & 18 Vict. c. 102. s. 12.

(3.) A registration and returning officer under this Act, and the Director of Public Prosecutions, or any person instituting any prosecution on their behalf or by the direction of an election court, shall not be deemed to be a private prosecutor under this Act.

(4.) On any prosecution under this Act, whether on indictment or summarily, and whether before an election court or otherwise, and in any action for a pecuniary forfeiture under this Act, the person prosecuted or sued, and the husband or wife of such person, may, if he or she think fit, be examined as an ordinary witness in the case.

(5.) On any such prosecution or action as aforesaid it shall be sufficient to allege that the person charged was guilty of an illegal practice, payment, employment, or hiring within the meaning of this Act, as the case may be, and the certificate of the returning officer at an election that the election mentioned in the certificate was duly held, and that the person named in the certificate was a candidate at such election, shall be sufficient evidence of the facts therein stated.

Prosecutions on summary conviction, and appeal to quarter sessions.

246.—(1.) All offences under this Act punishable on summary conviction may be prosecuted in manner provided by the Summary Jurisdiction Acts.

(2.) A person aggrieved by a conviction by a court of summary jurisdiction for an offence under this Act, may appeal to general or quarter sessions against such conviction.

Application of Summary Jurisdiction and Indictable Offences Acts to proceedings before election courts.

247.—(1.) Except that nothing in this Act shall authorise any appeal against a summary conviction by an election court, the Summary Jurisdiction Acts shall, so far as is consistent with the tenor thereof, apply to the prosecution of an offence summarily before an election court, in like manner as if it were an offence punishable only on summary conviction, and accordingly the attendance of any person may be enforced, the case heard and determined, and any summary conviction by such court be carried into effect and enforced, and the costs thereof paid, and the record thereof dealt with under those Acts in like manner as if the court were a petty sessional court for the county or place in which such conviction took place.

(2.) The enactments relating to charges before justices against persons for indictable offences shall, so far as is consistent with the

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tenor thereof, apply to every case where an election court orders a person to be prosecuted on indictment in like manner as if the court were a justice of the peace.

Exercise of jurisdiction of High Court, and making of rules of court.

248.—(1.) Subject to any rules of court, any jurisdiction vested by this Act in the High Court may, so far as it relates to indictments or other criminal proceedings, be exercised by any judge of the Queen's Bench Division, and in other respects may either be exercised by one of the judges for the time being on the rota for the trial of election petitions, sitting either in court or at chambers, or may be exercised by a master of the Supreme Court of Judicature in manner directed by and subject to an appeal to the said judges.

Provided that a master shall not exercise jurisdiction in the case either of an order declaring any act or omission to be an exception from the provisions of this Act with respect to illegal practices, payments, employments, or hirings, or of an order allowing an excuse in relation to a return or declaration respecting election expenses.

(2.) Rules of court may from time to time be made, revoked, and altered for the purposes of this Act, and the Acts amending the same, by the same authority by whom rules of court for procedure and practice in the Supreme Court of Judicature can for the time being be made.

Director of Public Prosecutions and expenses of prosecutions.

249.—(1.) The Director of Public Prosecutions in performing any duty under this Act shall act in accordance with the regulations under the Prosecution of Offences Act, 1879, and subject thereto in accordance with the directions (if any) given to him by the Attorney-General; and any assistant or representative of the Director of Public Prosecutions in performing any duty under this Act shall act in accordance with the said regulations and directions, if any, and with the directions given to him by the Director of Public Prosecutions.

(2.) Subject to the provisions of this Act, the costs of any prosecution on indictment for an offence punishable under this Act, whether by the Director of Public Prosecutions or his representative, or by any other person, shall, so far as they are not paid by the defendant, be paid in like manner as costs in the case of a prosecution for felony are paid.

Recovery of costs payable by county or borough or by person.

250.—(1.) Where any costs or other sums (not being costs of a prosecution on indictment) are, under an order of an election court, or otherwise under this Act to be paid by a county or borough, *the Commissioners of Her Majesty's Treasury shall pay those costs or sums, and obtain repayment of the amount so paid, in like*

manner as if such costs and sums were expenses of election commissioners paid by them. A.D. 1894.

(2.) Where any costs or other sums are, under the order of an election court or otherwise under this Act, to be paid by any person, those costs shall be a simple contract debt due from such person to the person or persons to whom they are to be paid, and if payable to the Commissioners of Her Majesty's Treasury shall be a debt to Her Majesty, and in either case may be recovered accordingly.

Supplemental Provisions, Definitions, Savings, and Repeal.

Obligation of witness to answer, and certificate of indemnity.

251.—(1.) A person who is called as a witness respecting an election before any election court shall not be excused from answering any question relating to any offence at or connected with such election on the ground that the answer thereto may criminate or tend to criminate himself, or on the ground of privilege:

Provided that—

(*a.*) No person who has voted at an election shall, in any legal proceeding to question the election or return, be required to state or disclose for whom he has voted at such election.

(*b.*) A witness who answers truly all questions which he is required by the election court to answer shall be entitled to receive a certificate of indemnity under the hand of a member of the court stating that such witness has so answered; and

(*c.*) An answer by a person to a question put by or before any election court shall not, except in the case of any criminal proceeding for perjury in respect of such evidence, be in any proceeding, civil or criminal, admissible in evidence against him.

(2.) Where a person has received such a certificate of indemnity in relation to an election, and any legal proceeding is at any time instituted against him for any offence under this Act, committed by him previously to the date of the certificate at or in relation to the said election, the court having cognizance of the case shall on proof of the certificate stay the proceeding, and may in their discretion award to the said person such costs as he may have been put to in the proceeding.

(3.) Nothing in this section shall be taken to relieve a person receiving a certificate of indemnity from any incapacity under this

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Act or from any proceeding to enforce such incapacity (other than a criminal prosecution).

(4.) This section shall apply in the case of a witness before any election commissioners, in like manner as if the expression "election court" in this section included election commissioners.

(5.) Where a solicitor or person lawfully acting as agent for any party to an election petition respecting any election for a county or borough has not taken any part or been concerned in such election, the election commissioners inquiring into such election shall not be entitled to examine such solicitor or agent respecting matters which came to his knowledge by reason only of his being concerned as solicitor or agent for a party to such petition.

Submission of report of election court or commissions to Attorney-General.

252. An election court or election commissioners, when reporting that certain persons have been guilty of any corrupt or illegal practice, shall report whether those persons have or not been furnished with certificates of indemnity; and such report shall be laid before the Attorney-General (accompanied in the case of the commissioners with the evidence on which such report was based) with a view to his instituting or directing a prosecution against such persons as have not received certificates of indemnity, if the evidence should, in his opinion, be sufficient to support a prosecution.

Breach of duty by officer.

253. Every registration and returning officer, presiding officer, and clerk, appointed under this Act, and every sheriff, under sheriff, clerk of the peace, town clerk, secondary, clerk of the Crown, overseer, postmaster, or any other public officer or other person required to do any matter or thing by and under this Act, who is guilty of any wilful misfeasance, or any wilful act or omission in contravention of this Act, shall, in addition to any other penalty or liability to which he may be subject, forfeit to any person aggrieved by such misfeasance, act, or omission a penal sum not exceeding *one hundred pounds*, or such less sum as the jury, before whom may be tried any such action brought for the recovery of the before-mentioned penalty, shall consider just to be paid to such party, with full costs of suit.

Publication and service of notices.

254.—(1.) Any public notice required to be given by the registration and returning officer under this Act shall be given in the manner herein directed to give a public notice.

(2.) Where any summons, notice, or document is required to be served on any person with reference to any proceeding respecting

an election for a county or borough, whether for the purpose of causing him to appear before the High Court or any election court, or election commissioners, or otherwise, or for the purpose of giving him an opportunity of making a statement, or showing cause, or being heard by himself, before any court or commissioners, for any purpose of this Act, such summons, notice, or document may be served either by delivering the same to such person, or by leaving the same at, or sending the same by post by a registered letter to, his last known place of abode in the said county or borough, or if the proceeding is before any court or commissioners, in such other manner as the court or commissioners may direct, and in proving such service by post it shall be sufficient to prove that the letter was prepaid, properly addressed, and registered with the post office.

Definition of candidate, and saving for persons nominated without consent.

255.—(1.) In this Act, the expression "candidate at an election" and the expression "candidate" respectively mean, unless the context otherwise requires, any person elected to serve in Parliament at such election, and any person who is nominated as a candidate at such election, or is declared by himself or by others to be a candidate on or after the day of the issue of the writ for such election, or after the dissolution or vacancy in consequence of which such writ has been issued:

(2.) Provided that where a person has been nominated as a candidate or declared to be a candidate by others, then—

(*a.*) If he was so nominated or declared without his consent, nothing in this Act shall be construed to impose any liability on such person, unless he has afterwards given his assent to such nomination or declaration or has been elected; and

(*b.*) If he was so nominated or declared, either without his consent or in his absence and he takes no part in the election, he may, if he thinks fit, make the declaration respecting election expenses contained in the second part of the Second Schedule to this Act, and the election agent shall, so far as circumstances admit, comply with the provisions of this Act with respect to expenses incurred on account of or in respect of the conduct or management of the election in like manner as if the candidate had been nominated or declared with his consent.

General interpretation of terms.

256. In this Act, unless the context otherwise requires—

The expression "election" means the election of a member or members to serve in Parliament:

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The expression "election petition" means a petition presented against the return of any member to serve in Parliament in pursuance of this Act:

The expression "election court" means the judges presiding at the trial of an election petition, or, if the matter comes before the High Court, that court:

The expression "election commissioners" means commissioners appointed to try an election petition under this Act:

The expression "High Court" means Her Majesty's High Court of Justice in England:

The expressions "court of summary jurisdiction," "petty sessional court," and "Summary Jurisdiction Acts" have the same meaning as in the Summary Jurisdiction Act, 1879:

The expression "the Attorney-General" includes the Solicitor-General in cases where the office of the Attorney-General is vacant or the Attorney-General is interested or otherwise unable to act:

The expressions "registration officer" and "returning officer" respectively mean the registration and returning officer appointed under this Act:

The expression "elector" means any person whose name is for the time being on the register roll or book containing the names of the persons entitled to vote at the election with reference to which the expression is used:

The expression "register of electors" means the said register roll or book:

The expression "polling agent" means an agent of the candidate appointed to attend at a polling station during the hours at which such polling station is open for receiving votes:

The expression "person" includes an association or body of persons, corporate or unincorporate, and where any act is done by any such association or body, the members of such association or body who have taken part in the commission of such act shall be liable to any fine or punishment imposed for the same by this Act:

The expression "committee room" shall not include any house or room occupied by a candidate at an election as a dwelling by reason only of the candidate there transacting business with his agents in relation to such election; nor shall any room or building be deemed to be a committee room for the purposes of this Act by reason only of the candidate or any agent of the candidate addressing therein electors, committee men, or others:

The expression "public office" means any office under the Crown or under the charter of a city or municipal borough, or under the Acts relating to municipal corporations or to the poor law, or under the Elementary Education Act, 1870, or under the Public Health Act, 1875, or under any Acts amending the above-mentioned Acts, or under any other Acts for the time being in force (whether passed before or after the commencement of this Act) relating to local government, whether the office is that of mayor, chairman, alderman, councillor, guardian, member of a board, commission, or other local authority in any county, city, borough, union, sanitary district, or other area, or is the office of clerk of the peace, town clerk, clerk or other officer under a council, board, vestry, commission, or other authority, or is any other office, to which a person is elected or appointed under any such charter or Act as above-mentioned, and includes any other municipal or parochial office; and the expressions "election," "election petition," "election court," and "register of electors," shall, where expressed to refer to an election for any such public office, be construed accordingly:

The expression "judicial office" includes the office of justice of the peace or returning officer:

The expression "personal expenses" as used with respect to the expenditure of any candidate in relation to any election, includes the reasonable travelling expenses of such candidate, the hire or rent of any premises where the candidate may temporarily reside, and the reasonable expenses of his living at hotels or elsewhere for the purposes of and in relation to such election:

The expression "indictment" includes information:

The expression "costs" includes costs, charges, and expenses:

The expression "payment" includes any pecuniary or other reward; and the expressions "pecuniary award" and "money" shall be deemed to include any office, place, or employment, and any valuable security or other equivalent for money, and any valuable consideration, and expressions referring to money shall be construed accordingly:

The expression "Licensing Acts" means the Licensing Acts, 1872 to 1874.

Short titles.

257.—(1.) The enactments described in this Act are in this Act referred to and may be cited respectively by the short titles in that behalf in the sections wherein mentioned.

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(2.) This Act may be cited as the Parliamentary Elections Act, 1894.

Repeal of Acts.

258. The Acts set forth in the Eleventh Schedule to this Act are hereby repealed as from the *commencement of this Act* to the extent in the third column of that schedule mentioned, provided that this repeal or the expiration of any enactment not continued by this Act shall not revive any enactment which at the commencement of this Act is repealed, and shall not affect anything duly done or suffered before the commencement of this Act, or any right acquired or accrued or any incapacity incurred before the commencement of this Act, and any person subject to any incapacity under any enactment hereby repealed or not continued shall continue subject thereto, and this Act shall apply to him as if he had become so subject in pursuance of the provisions of this Act.

Commencement of Act.

259. This Act shall come into operation on the day on which this Act shall have received the royal assent.

Application of Act to Scotland.

Application of Act to Scotland.

260. This Act shall apply to Scotland, with the following modifications:

(1.) The following expressions shall mean as follows:

The expression "misdemeanour" shall mean crime and offence:

The expression "indictment" shall include criminal letters:

The expression "solicitor" shall mean enrolled law agent:

The expression "revising barrister" shall mean sheriff:

The expression "barrister" shall mean advocate:

The expression "petty sessional court" shall mean sheriff court:

The expression "quarter sessions" shall mean the court of justiciary:

The expression "registration officer" shall mean an assessor under the enactments relating to the registration of parliamentary voters:

The expression "municipal borough" shall include royal burgh and burgh of regality and burgh of barony:

The expression "Acts relating to municipal corporations" shall include the General Police and Improvement (Scotland) Act, 1862, and any other Act relating to the constitution and government of burghs in Scotland:

The expression "mayor" shall mean provost or chief magistrate:

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The expression "alderman" shall mean bailie:

The expression "Summary Jurisdiction Acts" shall mean the Summary Jurisdiction (Scotland) Acts, 1864 and 1881, and any Acts amending the same.

(2.) The provisions respecting the attendance at the trial of an election petition of a representative of the Director of Public Prosecutions shall not apply to Scotland, and in place thereof the following provisions shall have effect:

(*a.*) At the trial of every election petition in Scotland Her Majesty's Advocate shall be represented by one of his deputies or by the procurator-fiscal of the sheriff court of the district who shall attend such trial as part of his official duty, and shall give all necessary assistance to the judge with respect to the citation of witnesses and recovery of documents:

(*b.*) If the judge shall grant a warrant for the apprehension, commitment, or citation of any person suspected of being guilty of a corrupt or illegal practice, the case shall be reported to Her Majesty's Advocate in order that such person may be brought to trial before the High Court of Justiciary or the sheriff, according to the nature of the case:

(*c.*) It shall be the duty of the advocate depute, or, in his absence, the procurator-fiscal, if it appears to him that a corrupt or illegal practice within the meaning of this Act has been committed by any person who has not received a certificate of indemnity, to report the case to Her Majesty's advocate in order to such person being brought to trial before the proper court, although no warrant may have been issued by the judge.

(3.) The jurisdiction of the High Court of Justice under this Act shall in Scotland be exercised by one of the divisions of the Court of Session, or by a judge of the said court to whom the same may be remitted by such division, and subject to an appeal thereto, and the Court of Session shall have power to make Acts of sederunt for the purposes of this Act.

(4.) Court of oyer and terminer shall mean a circuit court of justiciary, and the High Court of Justiciary shall have powers to make acts of adjournal regulating the procedure in appeals to the circuit court under this Act.

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(5.) All offences under this Act punishable on summary conviction may be prosecuted in the sheriff court in manner provided by the Summary Jurisdiction Acts, and all necessary jurisdictions are hereby conferred on sheriffs.

(6.) The authority given by this Act to the Director of Public Prosecutions in England shall in Scotland be exercised by Her Majesty's Advocate, and the reference to the Prosecution of Offences Act, 1879, shall not apply.

(7.) The expression "Licensing Acts" shall mean the Public Houses Acts Amendment (Scotland) Act, 1862, and the Publicans' Certificates (Scotland) Act, 1876, and the Acts thereby amended and therein recited.

(8.) The expression "register of licenses" shall mean the register kept in pursuance of section twelve of the Act of the ninth year of the reign of King George the Fourth, chapter fifty-eight.

(9.) The references to the Public Health Act, 1875, and to the Elementary Education Act, 1870, shall be construed to refer to the Public Health (Scotland) Act, 1867, and to the Elementary Education (Scotland) Act, 1872.

(10.) The power given by this Act to the Lord Chancellor in England shall in Scotland, except so far as relates to the justices of the peace, be exercised by the Lord Justice General.

(11.) Any reference to the Attorney-General shall refer to the Lord Advocate.

(12.) The provisions with respect to the removal of cases to the Central Criminal Court or to the trial of cases at the Royal Courts of Justice shall not apply.

(13.) The provisions of this Act with regard to costs shall not apply to Scotland, and instead thereof the following provision shall have effect:

> The costs of petitions and other proceedings under this Act shall, subject to any regulations which the Court of Sessions may make by act of sederunt, be taxed as nearly as possible according to the same principles as costs between agent and client are taxed in a cause in that court, and the auditor shall not allow any costs, charges, or expenses on a higher scale.

Application of Act to Ireland.

Application of Act to Ireland.

261. This Act shall apply to Ireland, with the following modifications:

(1.) No person shall be tried for any offence against this Act under any of the provisions of the Prevention of Crime (Ireland) Act, 1882.

(2.) The expression "Summary Jurisdiction Acts" means, with reference to the Dublin Metropolitan Police District, the Acts regulating the powers and duties of justices of the peace and of the police in such district; and with reference to other parts of Ireland means the Petty Sessions (Ireland) Act, 1851, and any Acts amending the said Act.

(3.) The Supreme Court of Judicature in Ireland shall be substituted for the Supreme Court of Judicature.

(4.) The High Court of Justice in Ireland shall be substituted for the High Court of Justice in England.

(5.) The Lord High Chancellor of Ireland shall be substituted for the Lord High Chancellor of Great Britain.

(6.) The Attorney-General for Ireland shall be substituted for the Director of Public Prosecutions, and the reference to the prosecution of the Offences Act, 1879, shall not apply.

(7.) Any reference to the Licensing Acts shall be construed to refer to the Licensing Acts (Ireland), 1872–1874.

(8.) The Public Health (Ireland) Act, 1878, shall be substituted for the Public Health Act, 1875.

(9.) The provisions with respect to the removal of cases to the Central Criminal Court, or to the trial of cases at the Royal Courts of Justice, shall not apply to Ireland.

PART VII.

PARLIAMENTS TO BE ELECTED EVERY THREE YEARS.

Triennial Parliaments.

262. From and after the *passing of this Act*, and from and after the dissolution of the present Parliament, a Parliament shall be elected every *three years.*

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Day of election to be the same throughout the United Kingdom.

263. The election, which in this Act shall mean the nomination, and if no more candidates are nominated than there are vacancies to be filled, the declaration of the election of the nominated person or persons shall, in the case of a general election, be on one and the same day throughout the United Kingdom.

Polling day to be the same throughout the United Kingdom.

264. The day of polling shall also be on one and the same day, in the case of a general election, throughout the United Kingdom.

Date of general election to be fixed by Lord Chancellor.

265. The date of such general election shall be fixed by the Lord Chancellor or other person, and shall be stated in the writ or writs to be issued for the election of members to serve in Parliament.

Interval between day of nomination and election to be uniform.

266. The interval between the day of nomination and the day of election shall be as stated in section one hundred and eighty-three of this Act, subject to the proviso therein made.

Regulation as to date of general election.

267. In the event of any intermediate general election, the statutory general election by this Act provided, shall be held within three years from the *first day of October* next ensuing, after such general election as aforesaid and thereafter except there shall be some other intermediary appeal to the constituencies, in which and every case this section shall apply.

Issue of writs, &c.

268. The sections of this Act with respect to the issue of writs and the return of writ of summons for an election shall in all cases apply, both in respect of the dates of nomination and election, and otherwise, in so far as they may and can apply, whether it be for a general election, or bye election in case of vacancy.

Provisions of other sections to apply.

269. In all other respects the several provisions of this Act shall apply and have effect in all matters pertaining to any election, whether such election be the statutory election, triennially, an intermediate election held before the expiration of the statutory term, or a bye election in case of any vacancy.

Statutory election to be held in October.

270. The statutory general election, to be elected triennially, shall be held during the month of *October*, on the dates mentioned in the writs issued by the Lord Chancellor.

Election to be on new register.

271. The election shall be held on the new register, to come into force on the *first day of October* in each year, as by this Act provided, for the year in which such general election shall take place.

Intermediate elections.

272. Nothing in this Act provided, or in pursuance thereof, shall prevent any appeal to the constituencies by the Government

with the assent and consent of Her Majesty, at any time during the triennial term before mentioned.

Proviso.

Provided that such appeal to the constituencies shall not take place in the same year in which by lapse of time the general election would otherwise have taken place, nor within *six months* of the election previously held.

PART VIII.

PUBLIC HOUSES TO BE CLOSED ON DAY OF ELECTION.

Closing of licensed premises on day of polling.

273. On the day appointed for the polling in any parliamentary election, all premises licensed for the sale of intoxicating liquors by retail, to be consumed on the premises, and which are situate in the constituency in which such election takes place, shall be closed throughout the day, during and until the poll has closed.

Penalty for opening for the sale of intoxicating liquors.

274. Any person who during the time at which premises for the sale of intoxicating liquors are directed to be closed by or in pursuance of this Act, sells or exposes for sale in such premises any intoxicating liquor, or opens or keeps open such premises for the sale of intoxicating liquors, or allows any intoxicating liquors to be consumed on the premises, except by his family, his servants, and himself; and any person licensed to sell any intoxicating liquors by retail under the Inland Revenue Acts or any other Act or Acts for consumption off the premises, who shall sell or deliver to any person any intoxicating liquors as aforesaid, shall be liable on a first conviction to a penalty not exceeding *five pounds*, and to have the same recorded on his licence.

Effect of second conviction for violation of Act.

275. If any licensed person shall be convicted a second time under this Act his licence and the licence for such house or premises shall be thereby forfeited, and he shall be disqualified for a term of *five years* from the date of such second conviction from holding any licence.

Persons found on licensed premises during prohibited hours guilty of offence.

276. If any person be found on any licensed premises consuming, or who have been consuming intoxicating liquors as aforesaid during prohibited hours, he or they shall be deemed guilty of an offence under this Act, and shall be liable on summary conviction to a penalty of *forty shillings*, or in default to imprisonment for *seven days*.

Mode of trying offences under Act.

277. Offences under this Act may be tried either before two ordinary justices of the peace or before one stipendiary magistrate.

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A defendant who considers himself to have been wrongfully convicted may appeal to the quarter sessions in accordance with the provisions of the Summary Jurisdiction Act, 1879, 42 & 43 Vict. c. 49., whereupon such conviction may be quashed, or the penalty may be reduced as to the quarter sessions may seem just.

Powers of constable under Act.

278. Any constable may, for the purpose of preventing or detecting the violation of this Act, at all times on the polling day enter on any licensed premises, and every person who, by himself or by any person in his employ or acting by his direction or with his consent, refuses or fails to admit any constable in the execution of his duty demanding to enter in pursuance of this section, shall be liable to a penalty not exceeding *ten pounds*.

Exceptions in favour of lodgers and railway travellers.

279. Nothing in this Act shall preclude a person licensed to sell any intoxicating liquor to be consumed on the premises from selling such liquor at any time to persons lodging in his house, nor shall anything in this Act contained be taken to preclude the sale at any time at any railway station of intoxicating liquors to persons actually arriving at or departing from such station by railway.

SCHEDULES to this Act.

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FIRST SCHEDULE.

FORM of OATH of ALLEGIANCE to be taken by Alien on becoming naturalised, 33 & 34 Vict. c. 14. s. 9.

I, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, her heirs and successors according to law. So help me God.

In lieu of oath affirmation may be made, in accordance with any Act for the time being in force relating to affirmation in lieu of oath.

SECOND SCHEDULE.

a. *Form of Requisition by Registration Officer requiring Names of Residents.*

To *E. F.*

You are hereby required to fill up accurately the underwritten form:—

If this form is not returned to the registration officer at his official place of business, accurately filled up within fourteen days after the service hereof, you will be liable under the Parliamentary Elections Act, 1894, to a penalty not exceeding forty shillings, and you may be ordered to pay any costs incurred by any person whose name is omitted from this return in making or sustaining a claim to be registered as a parliamentary voter.

Dated this day of 18 .

A. B.,
C. D.,
Registration officer for the constituency of

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FORM OF RETURN.

1.	2.
House in respect of which the Person making the Return is rated (or liable to be rated, or occupier).	Surname and other name of every man who had on the last during the whole of three months being resident in the house specified in the first column, or in any part thereof.

I declare that the above is a true and complete return.

(Signed) *E. F.*

Dated this day of 18 .

This form is to be substituted for Form A. in the Second and Third Schedules to the Registration Act, 1885.

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b. *Form of Claim to be on Register.*

To the registration officer for the county, borough, or division of the county or borough of .

I, of hereby declare that I am 21 years of age, and have resided in this division for three calendar months, and do hereby claim to be placed on the list of registered voters for the division of .

Signature of claimant

Date 18 .

I have witnessed the signature of the above claimant, and believe the claim to be correct.

Signature of witness

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c. *Form of Objection to Voter.*

To be sent to the person objected to by the overseer or returning officer.

Exception having been taken by Mr. of to your being on the list of registered electors for the of , you are hereby requested to attend before me [*or*] on at [*time*] to substantiate your claim. It is necessary that you should bring with you the attesting witness to your claim, or failing him, some other reliable witness who of his own knowledge can bear witness to your qualification.

Signed .

Dated 18 .

THIRD SCHEDULE.

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The register of voters entitled to vote in the election of a member or members for (the description of each constituency to be inserted).

Form A. or Form B. are to be used according to the circumstances.

FORM A.

First or other number. } Polling District.

Second or other number. } Ward.

No. for Reference.	Street, Square, Lane, or other Place in which Houses are distinguished by Number to be stated in Alphabetical Order, at which Voter has resided for Three Months prior to 24th June.	Surname and Christian Name.	Occupation to be added for identity, if necessary.	District to identify Locality, &c.
1	1, Alfred Street -	Fawcett, John Thomas -		Tottenham Court Road, W.C.
		Dickens, Charles -		"
2	2, " " -	Cobden, Richard - -		"
3	1, Fenwick Street -	Hallam, Henry - -		Mile End, E.
4	2, " " -	Browning, Thomas -		"
5	3, " " -	Elliot, George - -		"

(Signed) *A. B.*,
Registration officer for the Division of

In the official register of voters the number for reference will be omitted, and the serial register number will be inserted against each name according to the provisions of the Act, and such serial number will be the number on the official register of each voter.

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FORM B.

First or other number. } Polling District.

Second or other number. } Ward.

Number of Reference.	Surname and Christian Name of the Voter to be inserted Alphabetically.	Residence where Voter has resided for three months prior to 24th June.	Occupation to be added if necessary, for identity.	District to identify Locality.
1	Arnold, Mathew	Johnson Park		Eastwell, Kent.
2	Dickens, Charles	Sutton Park		Coombe, Kent.

(Signed) *A. B.*
Registration officer for the constituency of

In the official register of voters the number for reference will be omitted, and the serial register number will be inserted against each name according to the provisions of the Act, and such serial number will be the number on the official register of each voter.

FOURTH SCHEDULE.

FORM OF REMOVAL CARD.

To all whom it may concern.

This is to certify that now on the list of registered electors for the of and numbered on the said list, having made the statutory declaration that he is the person herein described, and being desirous, in consequence of removal to some other electoral division, to qualify as a registered elector in such division, is entitled to qualify as an elector upon depositing this card in accordance with section 30 of this Act.

Dated 18 . (Seal.)

Signed Returning Officer.

Form of Declaration.

I do solemnly declare that I am the whose name is given in the list of registered electors for the of and numbered on the said list, and that, being about to remove (or having removed) from I desire to have a removal card for the purpose of voting in another electoral division during the continuance of the register now in force.

Dated 18 . Signed .

Attested by .

FIFTH SCHEDULE.

Form of Official Envelope.

a. *Front side of Envelope.*

Registered Number 1,234	*Prepaid* Registered Letter.

To

[Mr. William Abraham],

Elector.

Election.	*Address.*
Bethnal Green (North East Division), 1887.	(No. 34, Alfred Place, Victoria Park, E.).

In the official envelope supplied, name and address in the brackets to be omitted.

b. *Back of Envelope.*

To be delivered at the residence of the registered elector's name in address.

V.R.

Envelope to be preserved as evidence of delivery, or for verification should occasion for inquiry arise.

Any use or imitation of this envelope for election purposes otherwise than as provided in this Act to be an illegal practice.

SIXTH SCHEDULE.

FORM OF POLLING CARD.

(Official Stamp.)

To John Jones,
23, Wilson Street, Hackney Road, E.

No. on Register. 1,234.

Bethnal Green.
North East Division.
Date of election, October 10th, 1887.
Polling station, Bonner Lane schoolroom.
Hours of poll, between 8 a.m. and 9 p.m.

Candidates.

1. Darwin, Charles.
2. Hampden, John.
3. Huxley, Thomas Henry.
4. Milton, John.
5. Shakespeare, William.

N.B.—You can only vote for one of the candidates, thus ×.

SEVENTH SCHEDULE.

PART I.

RULES FOR PARLIAMENTARY ELECTIONS.

Regulations for Elections.

1. The returning officer shall, in the case of an election, on the day on which he receives the writ or the following day, give public notice, between the hours of nine in the morning and four in the afternoon, of the day on

which and the place at which he will proceed to, and of the time appointed for the election, and of the day on which the poll will be taken in case the election is contested, and of the time and place at which forms of nomination papers may be obtained, and shall send one of such notices by post, under cover, to the postmaster of the principal post office of each polling place in the county, endorsed with the words "Notice of election," and the same shall be forwarded free of charge; and the postmaster receiving the same shall forthwith publish or cause to be published such notice at all post offices in the division in the manner in which post office notices are usually published.

2. The day of election shall be fixed by the Lord Chancellor as follows; that is to say, in the case of an election for a county or borough or division of county or borough, not earlier than the tenth day after the date of issue of writ, as the day of nomination, and for the polling the sixth or seventh day after the day of nomination as may be fixed in the writ issued as aforesaid.

3. The place of election shall be a convenient room situate in the town in which such election would have been held if this Act had not passed, or where the election would not have been held in a town, then situate in such town in the county as the returning officer may from time to time determine as being in his opinion most convenient for the electors.

4. The time appointed for the nomination and, should there be no opposition, the election shall be between the hours of eleven o'clock in the forenoon and one o'clock afternoon and the returning officer shall attend during those two hours to receive any nomination legally tendered in pursuance of this Act.

5. Each candidate shall be nominated by a separate nomination paper.

6. Each candidate shall be described in the nomination paper in such manner as in the opinion of the returning officer is calculated to sufficiently identify such candidate; the description shall include his names, his abode, and his rank, profession, or calling, and his surname shall come first in the list of his names. No objection to a nomination paper on the ground of the description of the candidaie therein being insufficient, or not being in compliance with this rule, shall be allowed or deemed valid, unless such objection is made by the returning officer, or by some other person, and admitted valid by the returning officer at or immediately after the time of the delivery of the nomination paper.

7. The returning officer shall supply a form of nomination paper to any registered elector requiring the same during such two hours as the returning officer may fix, between the hours of ten in the morning and two in the afternoon on each day intervening between the day on which notice of the election was given and the day of election, and during the time appointed for the election; but nothing in this Act shall render obligatory the use of a nomination paper supplied by the returning officer, so, however, that the paper be in the form prescribed by this Act.

8. The nomination papers shall be delivered to the returning officer at the place of election during the time appointed for the election; and the candidate nominated by each nomination paper, and his proposer and seconder, and one other person selected by the candidate, and no person other than aforesaid,

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shall, except for the purpose of assisting the returning officer, be entitled to attend the proceedings during the time appointed for the election.

9. If the election is contested the returning officer shall, as soon as practicable after adjourning the election, give public notice of the day on which the poll will be taken, as specified in the writ, and of the candidates described as in their respective nomination papers, and of the names of the persons who subscribe the nomination paper of each candidate, and of the order in which the names of the candidates will be printed in the ballot paper, and, in the case of an election, deliver to the postmaster of the principal post office of the town in which is situate the place of election a paper, signed by himself, containing the names of the candidates nominated, and stating the day on which the poll is to be taken, and the postmaster shall forward the information contained in such paper by telegraph, free of charge, to the several postal telegraph offices situate in the division for which the election is to be held, and such information shall be published forthwith at each such office in the manner in which post office notices are usually published.

10. If any candidate nominated during the time appointed for the election is withdrawn in pursuance of this Act, the returning officer shall give public notice of the name of such candidate, and the names of the persons who subscribed the nomination paper of such candidate, as well as of the candidates who stood nominated or were elected.

11. The returning officer shall, on the nomination paper being delivered to him, forthwith publish notice of the name of the person nominated as a candidate, and of the names of his proposer and seconder, by placarding or causing to be placarded the names of the candidate and his proposer and seconder in a conspicuous position outside the building in which the room is situate appointed for the election and elsewhere in the division.

12. A person shall not be entitled to have his name inserted in any ballot paper as a candidate unless he has been nominated in manner provided by this Act, and every person whose nomination paper has been delivered to the returning officer during the time appointed for the election shall be deemed to have been nominated in manner provided by this Act, unless objection be made to his nomination paper by the returning officer before the expiration of the time appointed for the election.

13. The returning officer shall decide on the validity of every objection made to a nomination paper, and his decision, if disallowing the objection, shall be final; but if allowing the same, shall be subject to reversal on petition questioning the election or return.

The Poll.

14. The poll shall take place on the day appointed in the writ of election.

15. At every polling place the returning officer shall provide a sufficient number of polling stations for the accommodation of the electors entitled to vote at such polling place, and shall distribute the polling stations amongst those electors in such manner as he thinks most convenient, provided that in a county or district borough there shall be at least one polling station at each contributory place of such county or borough.

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16. Each polling station shall be furnished with such number of compartments, in which the voters can mark their votes screened from observation, as the returning officer thinks necessary, so that at least one compartment be provided for every one hundred and fifty electors entitled to vote at such polling station.

17. A separate room or separate booth may contain a separate polling station, or several polling stations may be constructed in the same room or booth.

18. No person shall be admitted to vote at any polling station except the one allotted to him.

19. The returning officer shall give public notice of the situation of polling stations and the description of voters entitled to vote at each station, and of the mode in which electors are to vote, and the names of candidates, as in this Act provided.

20. The returning officer shall provide each polling station with materials for voters to mark the ballot papers, with instruments for stamping thereon the official mark, and with copies of the register of voters, or such part thereof as contains the names of the voters allotted to vote at such station. He shall keep the official mark secret, and an interval of not less than seven years shall intervene between the use of the same official mark at elections for the same county or borough or division of a county or borough.

21. The returning officer shall appoint a presiding officer to preside at each station, and the officer so appointed shall keep order at his station, shall regulate the number of electors to be admitted at a time, and shall exclude all other persons except the clerks, the candidates, the agents of the candidates, and the constables on duty.

22. Every ballot paper shall contain a list of the candidates described as in their respective nomination papers, and arranged alphabetically in the order of their surnames, and (if there are two or more candidates with the same surname) of their other names: it shall be in the form set forth in the Eighth Schedule to this Act or as near thereto as circumstances admit, and shall be capable of being folded up.

23. Every ballot box shall be so constructed that the ballot papers can be introduced therein, but cannot be withdrawn therefrom, without the box being unlocked. The presiding officer at any polling station, just before the commencement of the poll, shall show the ballot box empty to such persons, if any, as may be present in such station, so that they may see that it is empty, and shall then lock it up, and place his seal upon it, in such manner as to prevent its being opened without breaking such seal, and shall place it in his view for the receipt of ballot papers, and keep it so locked and sealed.

24. Immediately before a ballot paper is delivered to an elector, it shall be marked on both sides with the official mark, either stamped or perforated, and the number, name, and description of the elector as stated in the copy of the register shall be called out, and the number of such elector shall be marked on the counterfoil, and a mark shall be placed in the register against the

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number of the elector, to denote that he has received a ballot paper, but without showing the particular ballot paper which he has received.

25. The elector, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station, and there mark his paper, and fold it up so as to conceal his vote, and shall then put his ballot paper, so folded up, into the ballot box ; he shall vote without undue delay, and shall quit the polling station as soon as he has put his ballot paper into the ballot box.

26. The presiding officer, on the application of any voter who is incapacitated by blindness or other physical cause from voting in manner prescribed by this Act, or (if the poll be taken on the Jewish Sabbath or festival) of any voter who declares that he is of the Jewish persuasion, and objects on religious grounds to vote in manner prescribed by this Act, or of any voter who makes such a declaration as herein-after mentioned that he is unable to read, shall, in the presence of the agents of the candidates, cause the vote of such voter to be marked on a ballot paper in manner directed by such voter, and the ballot paper to be placed in the ballot box, and the name and number on the register of voters of every voter whose vote is marked in pursuance of this rule, and the reason why it so marked, shall be entered on a list, in this Act called "the list of votes marked by the presiding officer."

The said declaration, in this Act referred to as "the declaration of inability to read," shall be made by the voter at the time of polling, before the presiding officer, who shall attest it in the form herein-after mentioned, and no fee, stamp, or other payment shall be charged in respect of such declaration, and the said declaration shall be given to the presiding officer at the time of voting.

27. If a person, representing himself to be a particular elector named on the register, applies for a ballot paper after another person has voted as such elector, the applicant shall, upon duly answering the questions and taking the oath permitted by law to be asked of and to be administered to voters at the time of polling, be entitled, if he thinks fit, to mark a ballot paper in the same manner as any other voter, but the ballot paper (in this Act called a tendered ballot paper) shall be of a colour differing from the other ballot paper, and, instead of being put into the ballot box, shall be given to the presiding officer and endorsed by him with the name of the voter and his number in the register of voters, and set aside in a separate packet, and shall not be counted by the returning officer. And the name of the voter and his number on the register shall be entered on a list, in this Act called the tendered votes list.

28. A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper, may, on delivering to the presiding officer the ballot paper so inadvertently dealt with, and proving the fact of the inadvertence to the satisfaction of the presiding officer obtain another ballot paper in the place of the ballot paper so delivered up (in this Act called a spoilt ballot paper), and the spoilt ballot paper shall be immediately cancelled.

29. The presiding officer of each station, as soon as practicable after the close of the poll, shall, in the presence of the agents of the candidates, make up

into separate packets sealed with his own seal and the seals of such agents of the candidates as desire to affix their seals,—

(1.) Each ballot box in use at his station, unopened but with the key attached; and

(2.) The unused and spoilt ballot papers, placed together; and

(3.) The tendered ballot papers; and

(4.) The marked copies of the register of voters, and the counterfoils of the ballot papers; and

(5.) The tendered votes list, and the list of votes marked by the presiding officer, and a statement of the number of the voters whose votes are so marked by the presiding officer under the heads "physical incapacity," "Jews," and "unable to read," and the declarations of inability to read;

and shall deliver such packets to the returning officer.

30. The packets shall be accompanied by a statement made by such presiding officer, showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers in the ballot box, unused, spoilt, and tendered ballot papers, which statement is in this Act referred to as the ballot paper account.

Counting Votes.

31. The candidates may respectively appoint agents to attend the counting of the votes, and they may themselves be present at such counting.

32. The returning officer shall make arrangements for counting the votes in the presence of the agents of the candidates as soon as practicable after the close of the poll, and shall give to the agents of the candidates appointed to attend at the counting of the votes notice in writing of the time and place at which he will begin to count the same.

33. The returning officer, his assistants and clerks, and the candidates and agents of the candidates, and no other person, except with the sanction of the returning officer, may be present at the counting of the votes.

34. Before the returning officer proceeds to count the votes, he shall, in the presence of the agents of the candidates, open each ballot box, and, taking out the papers therein, shall count and record the number thereof, and then mix together the whole of the ballot papers contained in the ballot boxes. The returning officer, while counting and recording the number of ballot papers and counting the votes, shall keep the ballot papers with their faces upwards, and take all proper precautions for preventing any person from seeing the numbers printed on the backs of such papers.

35. The returning officer shall, so far as practicable, proceed continuously with counting the votes, allowing only time if need be for refreshment, and excluding (except so far as he and the agents otherwise agree) the hours between nine o'clock at night and nine o'clock on the succeeding morning. During the excluded time the returning officer shall place the ballot papers and other documents relating to the election under his own seal and the seals of such of the agents of the candidates as desire to affix their seals, and shall otherwise take proper precautions for the security of such papers and documents.

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36. The returning officer shall endorse "rejected" on any ballot paper which he may reject as invalid, and shall add to the endorsement "rejection objected to," if an objection be in fact made by any agent to his decision. The returning officer shall report to the Clerk of the Crown in Chancery the number of ballot papers rejected and not counted by him under the several heads of—

1. Want of official mark;
2. Voting for more candidates than entitled to;
3. Writing or mark by which voter could be identified;
4. Unmarked or void for uncertainty;

and shall on request allow any agents of the candidates, before such report is sent, to copy it.

37. Upon the completion of the counting, the returning officer shall seal up in separate packets the counted and rejected ballot papers. He shall not open the sealed packet of tendered ballot papers or marked copy of the register of voters and counterfoils, but shall proceed, in the presence of the agents of the candidates, to verify the ballot paper account given by each presiding officer by comparing it with the number of ballot papers recorded by him as aforesaid, and the unused and spoilt ballot papers in his possession and the tendered votes list, and shall reseal each sealed packet after examination. The returning officer shall report to the Clerk of the Crown in Chancery the result of such verification, and shall, on request, allow any agents of the candidates, before such report is sent, to copy it.

38. Lastly, the returning officer shall forward to the Clerk of the Crown in Chancery (in manner in which the poll books are by any existing enactment required to be forwarded to such clerk, or as near thereto as circumstances admit) all the packets of ballot papers in his possession, together with the said reports, the ballot paper accounts, tendered votes lists, lists of votes marked by the presiding officer, statements relating thereto, declarations of inability to read, and packets of counterfoils, and marked copies of registers, sent by each presiding officer, endorsing on each packet a description of its contents and the date of the election to which they relate, and the name of the county or borough for which such election was held; and the term poll book in any such enactment shall be construed to include any document forwarded in pursuance of this rule.

39. The Clerk of the Crown shall retain for a year all documents relating to an election forwarded to him in pursuance of this Act by a returning officer, and then, unless otherwise directed by an order of the House of Commons, or of one of Her Majesty's Superior Courts, shall cause them to be destroyed.

40. No person shall be allowed to inspect any rejected ballot papers in the custody of the Clerk of the Crown in Chancery, except under the order of the House of Commons or under the order of one of Her Majesty's Superior Courts, to be granted by such court on being satisfied by evidence on oath that the inspection or production of such ballot papers is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a petition questioning an election or return; and any such order for the inspection or production of ballot papers may be made subject to such conditions as to persons, time, place, and mode

of inspection or production as the House or court making the same may think expedient, and shall be obeyed by the Clerk of the Crown in Chancery. Any power given to a court by this rule may be exercised by any judge of such court at chambers.

41. No person shall, except by order of the House of Commons or any tribunal having cognizance of petitions complaining of undue returns or undue elections, open the sealed packet of counterfoils after the same has been once sealed up, or be allowed to inspect any counted ballot papers in the custody of the Clerk of the Crown in Chancery; such order may be made subject to such conditions as to persons, time, place, and mode of opening or inspection as the House or tribunal making the order may think expedient; provided that on making and carrying into effect any such order, care shall be taken that the mode in which any particular elector has voted shall not be discovered until he has been proved to have voted, and his vote has been declared by a competent court to be invalid.

42. All documents forwarded by a returning officer in pursuance of this Act to the Clerk of the Crown in Chancery, other than ballot papers and counterfoils, shall be open to public inspection at such time and under such regulations as may be prescribed by the Clerk of the Crown in Chancery, with the consent of the Speaker of the House of Commons, and the Clerk of the Crown shall supply copies of or extracts from the said documents to any person demanding the same, on payment of such fees and subject to such regulations as may be sanctioned by the Treasury.

43. Where an order is made for the production by the Clerk of the Crown in Chancery of any document in his possession relating to any specified election, the production by such clerk or his agent of the document ordered, in such manner as may be directed by such order, or by a rule of the court having power to make such order, shall be conclusive evidence that such document relates to the specified election; and any endorsement appearing on any packet of ballot papers produced by such Clerk of the Crown or his agent shall be evidence of such papers being what they are stated to be by the endorsement. The production from proper custody of a ballot paper purporting to have been used at any election, and of a counterfoil marked with the same printed number and having a number marked thereon in writing, shall be primâ facie evidence that the person who voted by such ballot paper was the person who at the time of such election had affixed to his name in the register of voters at such election the same number as the number written on such counterfoil.

General Provisions.

44. The return of a member or members elected to serve in Parliament for any county or borough shall be made by a certificate of the names of such member or members under the hand of the returning officer endorsed on the writ of election for such county or borough, and such certificate shall have effect and be dealt with in like manner as the return under the existing law, and the returning officer may, if he think fit, deliver the writ, with such certificate endorsed to the postmaster of the principal post office of the place

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of election, or his deputy, and in that case he shall take a receipt from the postmaster or his deputy for the same; and such postmaster or his deputy shall then forward the same by the first post, free of charge, under cover, to the Clerk of the Crown, with the words "Election Writ and Return" endorsed thereon.

45. The returning officer shall, as soon as possible, give public notice of the names of the candidates elected, and, in the case of a contested election, of the total number of votes given for each candidate, whether elected or not.

46. Where the returning officer is required or authorised by this Act to give any public notice, he shall carry such requirement into effect by advertisements, placards, handbills, or such other means as he thinks best calculated to afford the fullest information to the electors.

47. The returning officer may, if he think fit, preside at any polling station, and the provisions of this Act relating to a presiding officer shall apply to such returning officer with the necessary modifications as to things to be done by the returning officer to the presiding officer, or the presiding officer to the returning officer.

48. In the case of a contested election for any county or borough, the returning officer may, in addition to any clerks, appoint competent persons to assist him in counting the votes.

49. No person shall be appointed by a returning officer for the purposes of an election who has been employed by any other person in or about the election.

50. The presiding officer may do, by the clerks appointed to assist him, any act which he is required or authorised to do by this Act at a polling station except ordering the arrest, exclusion, or ejection from the polling station of any person.

51. A candidate may himself undertake the duties which any agent of his if appointed might have undertaken, or may assist his agent in the performance of such duties, and may be present at any place at which his agent may, in pursuance of this Act, attend.

52. The name and address of every agent of a candidate appointed to attend the counting of the votes shall be transmitted to the returning officer one clear day at the least before the opening of the poll; and the returning officer may refuse to admit to the place where the votes are counted any agent whose name and address has not been so transmitted, notwithstanding that his appointment may be otherwise valid, and any notice required to be given to an agent by the returning officer may be delivered at or sent by post to such address.

53. If any person appointed an agent by a candidate for the purposes of attending at the polling station or at the counting of the votes dies, or becomes incapable of acting during the time of the election, the candidate may appoint another agent in his place, and shall forthwith give to the returning officer notice in writing of the name and address of the agent so appointed.

54. Every returning officer, and every officer, clerk, or agent authorised to attend at a polling station, or at the counting of the votes shall, before the opening of the poll, make a statutory declaration of secrecy, in the presence, if he is the returning officer, of a justice of the peace, and if he is any other

officer or an agent, of a justice of the peace or of the returning officer; but no such returning officer, officer, clerk, or agent as aforesaid shall, save as aforesaid, be required, as such, to make any declaration or take any oath on the occasion of any election. A.D. 1894.

55. Where in this Act any expressions are used requiring or authorising or inferring that any act or thing is to be done in the presence of the agents of the candidates, such expressions shall be deemed to refer to the presence of such agents of the candidates as may be authorised to attend, and as have in fact attended, at the time and place where such act or thing is being done, and the non-attendance of any agents or agent at such time and place shall not, if such act or thing be otherwise duly done, in anywise invalidate the act or thing done.

56. In reckoning time for the purposes of this Act, Sunday, Christmas Day, Good Friday, and any day set apart for a public fast or public thanksgiving, shall be excluded; and where anything is required by this Act to be done on any day which falls on the above-mentioned days such thing may be done on the next day, unless it is one of the days excluded as above mentioned.

57. In this Act—

The expression "division" or "electoral division" means any county, borough, or division of a county or borough, in any and every part of the United Kingdom; and

The expression "polling place" or "polling station" means the place in any county or borough, or division of a county or borough, or any part thereof in which a separate booth is required or authorised by law to be provided; and

The expression "agents of the candidates," used in relation to a polling station, means agents appointed in pursuance of this Act.

Part II.

Modifications in Application of Part One of Schedule to Scotland.

58. In Scotland, the place of election shall be a convenient room situate in the town in which the writ for the election would, if this Act had not passed, have been proclaimed.

59. In Scotland, the candidates may respectively appoint agents to attend at the polling stations. The ballot papers and other documents other than the return required to be sent to and kept by the Clerk of the Crown in Chancery shall, in Scotland, be kept by the sheriff clerks of the respective counties in which the returns (including those for burghs) are made, and the provisions of this schedule relating thereto shall be construed as if the sheriff clerk were substituted for Clerk of the Crown in Chancery.

60. In Scotland, the term "division" shall mean and include the combined burghs and towns specified in Schedule E. of the Act of the session of the second and third years of the reign of King William the Fourth, chapter sixty-five, intituled "An Act to amend the Representation of the People in Scotland;" and in Schedule A. of the Representation of the People (Scotland) Act. 31 & 32 Vict. c. 48.

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Modifications in Application of Part One of Schedule to Ireland.

61. The expression "Clerk of the Crown in Chancery" in this schedule shall mean, as regards Ireland, "the Clerk of the Crown and Hanaper in Ireland."

62. A presiding officer at a polling station in Ireland need not be a freeholder of the county.

As to Votes at Elections for the Universities by means of Voting Papers.

Electors to vote by means of voting papers.

63. It shall be lawful for electors at elections for burgesses to serve in Parliament for the universities in this Act mentioned in lieu of attending to vote in person, to nominate any other elector or electors of the same university, competent to make the declaration herein-after mentioned, to deliver for them at the poll voting papers containing their votes. Every such voting paper shall bear date subsequently to the date of the writ for any election of a member to serve in Parliament for such university, and shall contain the surname, name, or names of and sufficient description of the candidate or candidates thereby voted for, and the surname, name, or names of and sufficient description of the elector or electors authorised on behalf of the voter to tender such voting paper at the poll, and shall be according to the effect prescribed in the form appended to these regulations. Such voting paper, the aforesaid date and names being previously filled in, shall, on any day subsequent to the date of the said writ, any person now by law authorised to administer oaths who shall certify and attest the fact of such voting paper having been so signed in his presence, by signing at the foot thereof a certificate or attestation in the form or to the effect prescribed in the said form, with his name and usual address.

Voting papers to be read, and votes recorded.

64. The voting paper, signed and certified as aforesaid, after the same has been offered for inspection to any person entitled to object to such votes and who may have demanded to inspect the same, may be delivered to the vice chancellor of the university for which the election is held, or to any pro vice chancellor appointed by him, or, in the case of the University of Dublin, to the Provost of Trinity College, or to any person lawfully deputed to act for him, at any one of the appointed polling places, during the appointed hours of polling, by any one of the persons therein nominated in that behalf, who shall, on tendering such voting paper at the poll, read out the name of the voter subscribing such paper, and the said vice chancellor, pro vice chancellor, provost, or deputy shall receive the voting papers as the same shall be delivered, and shall cause the votes thereby given, or such of them as may not appear to be contrary to the provisions of this Act, to be recorded in the manner heretofore used, in all respects as if such votes had been given by the electors attending in person; and all votes so recorded shall have the same validity and effect as if they had been duly given by the voters in person: Provided always, that no person shall be entitled to vote by more than one voting paper at any election, and that no voting paper containing the names of more candidates than there are burgesses to be elected at such elections shall be received or recorded: Provided also, that no voting paper shall be received or recorded unless the person tendering the same shall make the following declaration, which he shall sign at the foot or back thereof:

"I solemnly declare, that I verily believe that this is the paper by which he "intends to vote pursuant to the provisions of the Universities Elections Act, "1861, and Parliamentary Elections Act, 1893." A.D. 1894.

Provided also, that no voting paper shall be so received and recorded if the voter signing the same shall have already voted in person at the same election: Provided also, that every such elector shall be entitled to vote in person, notwithstanding that he has duly signed and transmitted a voting paper to another elector, if such voting paper has not been already tendered at the poll.

Form of Voting Paper for University Voters.

University Election, 18 .

I *A.B.* [*Surname of the elector in full and Christian name or initial, his college or hall, if any, and his degree or academical rank or office, if any, to be here inserted*], do hereby declare, that I have signed no other voting paper at this election, and do hereby give my vote at this election for

And I nominate - - *C.D.*
E.F.
G.H.

or one of them, to deliver this voting paper at the poll.

Witness my hand this day of 18 .

(Signed) *A.B.* of [*the elector's place of residence to be here inserted*].

Signed in my presence by the said *A.B.*, to me, on the above-mentioned day of 18 , the name [*or* names] of as the candidate [*or* candidates] voted for having been previously filled in.

(Signed) *Z.M.* of [*the witness's place of residence to be here inserted,*]

[a person authorised by law to administer oaths.]

Part III.

Rules for Municipal Elections.

65. In the application of the provisions of this schedule to municipal elections, the following modifications shall be made:—

(*a.*) The expression "register of voters" means the burgess roll of the burgesses of the borough, or, in the case of an election for the ward of a borough, the ward list; and the mayor shall provide true copies of such register for each polling station:

(*b.*) All ballot papers and other documents which, in the case of a parliamentary election, are forwarded to the Clerk of the Crown in Chancery shall be delivered to the town clerk of the municipal borough in which the election is held, and shall be kept by him among the records of the borough: and the provisions of part one of this schedule with respect to the inspection, production, and destruction of such ballot papers and documents, and to the copies of such documents, shall apply respectively

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to the ballot papers and documents so in the custody of the town clerk, with these modifications; namely,

(*a.*) Any order of the county court having jurisdiction in the borough, or any part thereof, or of any tribunal in which a municipal election is questioned, shall be substituted for an order of the House of Commons, or of one of Her Majesty's Superior Courts; but an appeal from such county court may be had in like manner as in other cases in such county court;

(*b.*) The regulations for the inspection of documents and the fees for the supply of copies of documents of which copies are directed to be supplied, shall be prescribed by the council of the borough with the consent of one of Her Majesty's Principal Secretaries of State; and subject as aforesaid, the town clerk, in respect of the custody and destruction of the ballot papers and other documents coming into his possession in pursuance of this Act, shall be subject to the directions of the council of the borough:

(*c.*) Nothing in this schedule with respect to the day of the poll shall apply to a municipal election.

PART IV.

Modifications in Application of Part II. of Schedule to Scotland.

66. In part two of this schedule as applying to Scotland—

The expression "register of voters" means the register, list, or roll of persons entitled to vote in a municipal election made up according to the law for the time being in force.

The expression "county court" means the sheriff court.

The expression "town clerk" includes the clerk appointed by the Commissioners of Police under the Act of the session of the thirteenth and fourteenth years of the reign of Her present Majesty, chapter thirty-three, intituled "An Act to make more effectual provision for regulating the "police of towns and populous places in Scotland, and for paving, "draining, cleansing, lighting, and improving the same," and of the General Police and Improvement (Scotland) Act, 1862.

Modifications in Application of Part III. of Schedule to Ireland.

67. In part two of this schedule as applying to Ireland—

The expression "register of voters," in addition to the meaning specified in such part, means, in relation to any municipal borough subject to the provisions of a local Act requiring an annual revision of the lists of voters at municipal elections, the register of voters made in conformity with the said provisions of such local Act, and in relation to municipal boroughs to which Part II. of the Local Government (Ireland) Act, 1871, applies, the list to be made under the provisions of section twenty-seven of the said Act, and in relation to other municipal boroughs a list which the town clerk of every municipal borough is hereby authorised and directed to make, in like manner in every respect as if the provisions of the said section were applicable to and in force within such municipal borough.

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The expression "county court" means the Civil Bill Court.

The expression "town clerk" includes clerk to the commissioners, municipal commissioners, town commissioners, or township commissioners of any municipal borough, and any person executing the duties of such town clerk.

The expression "council of the borough" includes commissioners, municipal commissioners, and town commissioners of the town, and township commissioners of the township.

The expression "one of Her Majesty's Principal Secretaries of State" means the Chief Secretary of the Lord Lieutenant of Ireland.

EIGHTH SCHEDULE.

Note.—The forms contained in this schedule, or forms as nearly resembling the same as circumstances will admit, shall be used in all cases to which they refer and are applicable, and when so used shall be sufficient in law.

Writ for a County or Borough at a Parliamentary Election.

*Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, to the † of the county [*or* borough] of , greeting:

‡ Whereas by the advice of our Council we have ordered a Parliament to be holden at Westminster on the day of next. We command you that, the time and place of election herein stated being first duly given, namely on the day of 18 you do cause election to be made according to law of members [*or* a member] to serve in Parliament for the said county [*or* the division of the said county, *or* the borough, *or as the case may be*] of § and that you do cause the names of such members [*or* member] when so elected, whether they [*or* he] be present or absent, to be certified to us, in our Chancery, without delay.

Witness ourself at Westminster, the day of in the year of our reign, and in the year of our Lord 18 .

* *The name of the Sovereign may be altered when necessary.*

† *Insert "sheriff" or other returning officer.*

‡ *This preamble to be omitted except in case of a general election.*

§ *Except in a general election, insert here* in the place of A.B. deceased, *or otherwise, stating the cause of vacancy.*

Label or direction of Writ.

To the † of .

A writ of a new election of members [*or* member] for the said county [*or* division of a county *or* borough, *or as the case may be*].

Endorsement.

Received the within writ on the day of 18 .

(Signed) *A.B.*,

High Sheriff [*or* Sheriff, *or* Mayor, *or as the case may be*].

A.D. 1894.

Certificate endorsed on the Writ.

I hereby certify, that the members [*or* member] elected for in pursuance of the within-written writ, are [*or* is] *A.B.*, of in the county of and *C.D.*, of in the county of

(Signed) *A.B.*,
High Sheriff [*or* Sheriff, *or* Mayor, *or as the case may be*].

Note.—A separate writ will be issued for each county as defined for the purposes of a parliamentary election.

Form of Notice of Parliamentary Election.

The returning officer of the of will, on the day of now next ensuing, between the hours of and , proceed to the nomination, and, if there is no opposition, to the election, of a member [*or* members] for the said county [*or* division of a county *or* borough] at the*

* *Note.* Insert description of place and room.

Forms of nomination paper may be obtained at *, between the hours of and on .

Every nomination paper must be signed by two registered electors as proposer and seconder, and by eight other registered electors as assenting to the nomination.

Every nomination paper must be delivered to the returning officer by the candidate proposed, or by his proposer and seconder, between the said hours of and on the said day of at the said *.

Each candidate nominated, and his proposer and seconder, and one other person selected by the candidate, and no other persons, are entitled to be admitted to the room.

In the event of the election being contested, the poll will take place on the day of .

(Signed) *A.B.*,
Sheriff [*or* Mayor, *or as the case may be*].
day of 18 .

Take notice, that all persons who are guilty of bribery, treating, undue influence, personation, or other corrupt practices or any illegal practice at the said election will, on conviction of such offence, be liable to the penalties mentioned in that behalf in this Act.

Form of Nomination Paper in Parliamentary Election.

We, the undersigned *A.B.* of in the of and *C.D.* of in the of being electors for the of do

hereby nominate the following person as a proper person to serve as member for the said in Parliament: A.D. 1894.

Surname.	Other Names.	Abode.	Rank, Profession, or Occupation.
BROWN	JOHN - -	52, George St., Bristol	Merchant.
JONES	*or* WILLIAM DAVID -	High Elms, Wilts -	Esquire.
MERTON	*or* Hon. GEORGE TRAVIS, commonly called Viscount.	Swanworth, Berks -	Viscount.
SMITH	*or* HENRY SYDNEY -	72, High St., Bath -	Attorney.

(Signed) *A.B.*
C.D.

We, the undersigned, being registered electors of the do hereby assent to the nomination of the above-mentioned *John Brown* as a proper person to serve as member for the said in Parliament.

(Signed) *E.F.* of
G.H. of
I.J. of
K.L. of
M.N. of
O.P. of
Q.R. of
S.T. of

Note.—Where a candidate is an Irish peer, or is commonly known by some title, he may be described by his title as if it were his surname.

Form of Nomination Paper in Municipal Election.

Note.—The form of nomination paper in a municipal election shall as nearly as circumstances admit be the same as in the case of a parliamentary election.

A.D. 1894.

Form of Ballot Paper.

[Form of Front of Ballot Paper.]

Counterfoil No. .....

NOTE *The counterfoil is to have a number to correspond with that on the back of the Ballot Paper.*

DARWIN (Charles Darwin, of 52, St. George's Square, London, author.)	
HAMPDEN (John Hampden, of High Elms, Wilts, Esq.)	
MERTON (Hon. George Travis, commonly called Viscount Merton, of Swanworth, Berks.)	
SMITH (Sydney Smith, of 72, High Street, Bath, barrister-at-law.)	

[Form of Back of Ballot Paper.]

No.

Election for county [*or* borough, *or* ward].

18 .

Note.—The number on the ballot paper is to correspond with that in the counterfoil.

Directions as to printing Ballot Paper.

Nothing is to be printed on the ballot paper except in accordance with this schedule.

The surname of each candidate, and if there are two or more candidates of the same surname, also the other names of such candidates, shall be printed in large characters, as shown in the form, and the names, addresses, and descriptions, and the number on the back of the paper, shall be printed in small characters.

Form of Directions for the Guidance of the Voter in voting, which shall be printed in conspicuous Characters, and placarded outside every Polling Station and in every Compartment of every Polling Station. A.D. 1894.

The voter may vote for candidate .

The voter will go into one of the compartments, and, with the pencil provided in the compartment, place a cross on the right-hand side, opposite the name of each candidate for whom he votes, thus X.

The voter will then fold up the ballot paper so as to show the official mark on the back, and leaving the compartment will, without showing the front of the paper to any person, show the official mark on the back to the presiding officer, and then, in the presence of the presiding officer, put the paper into the ballot box, and forthwith quit the polling station.

If the voter inadvertently spoils a ballot paper, he shall not place it in the ballot box, but return it to the presiding officer, who will, if satisfied of such inadvertence, give him another paper.

If the voter votes for more than candidate , or places any mark on the paper by which he may be afterwards identified, his ballot paper will be void, and will not be counted.

If the voter fraudulently takes a ballot paper out of the polling station or deposits in the ballot box any other paper than the one given him by the officer, he will be guilty of a misdemeanor, and be subject to imprisonment for any term not exceeding six months, with or without hard labour.

Note.—These directions shall be illustrated by examples of the ballot paper.

Form of Statutory Declaration of Secrecy.

I solemnly promise and declare, That I will not at this election for do anything forbidden by section of this Act, which has been read to me.

Note.—The section must be read to the declarant by the person taking the declaration.

Form of Statutory Declaration of inability to read.

I, *A.B.*, of , being numbered on the Register of Voters for the county [*or* borough] of , do hereby declare that I am unable to read.

A.B., his mark.

day of .

I, the undersigned, being the presiding officer for the polling station for the county [*or* borough] of , do hereby certify, that

A.D. 1894.

the above declaration, having been first read to the above-named *A.B.*, was signed by him in my presence with his mark.

Signed, *C.D.*,
Presiding officer for polling station for the
county [*or* borough] of .
day of .

NINTH SCHEDULE.

PART I.—PERSONS LEGALLY EMPLOYED FOR PAYMENT.

(1.) One election agent and no more.

(2.) In counties one deputy election agent (in this Act referred to as a sub-agent) for each polling district and no more.

(3.) One polling agent in each polling station and no more.

(4.) In a borough one clerk and one messenger, or if the number of electors in the borough exceeds five hundred, a number of clerks and messengers not exceeding in number one clerk and one messenger for every complete five hundred electors in the borough, and if there is a number of electors over and above any complete five hundred or complete five hundreds of electors, then one clerk and one messenger may be employed for such number, although not amounting to a complete five hundred.

(5.) In a county for the central committee room one clerk and one messenger, or if the number of electors in the county exceeds five thousand, then a number of clerks and messengers not exceeding in number one clerk and one messenger for every complete five thousand electors in the county; and if there is a number of electors over and above any complete five thousand or complete five thousands of electors then one clerk and one messenger may be employed for such number, although not amounting to a complete five thousand.

(6.) In a county a number of clerks and messengers not exceeding in number one clerk and one messenger for each polling district in the county, or where the number of electors in a polling district exceeds five hundred one clerk and one messenger for every complete five hundred electors in the polling district, and if there is a number of electors over and above any complete five hundred or complete five hundreds of electors, then one clerk and one messenger may be employed for such number, although not amounting to a complete five hundred: Provided always, that the number of clerks and messengers so allowed in any county may be employed in any polling district where their services may be required.

(7.) Any such paid election agent, sub-agent, polling agent, clerk, and messenger, may or may not be an elector but may not vote.

PART II.—LEGAL EXPENSES IN ADDITION TO EXPENSES UNDER PART I.

(1.) The personal expenses of the candidate.

(2.) The expenses of printing, the expenses of advertising, and the expenses of publishing, issuing, and distributing addresses and notices.

(3.) The expenses of stationery, messages, postage, and telegrams.

(4.) The expenses of holding public meetings.

(5.) In a borough the expenses of one committee room, and if the number of electors in the borough exceeds 500, then of a number of committee rooms not exceeding the number of one committee room for every complete 500 electors in the borough, and if there is a number of electors over and above any complete 500 or complete 500 of electors, then of one committee room for such number, although not amounting to a complete 500.

(6.) In a county the expenses of a central committee room, and in addition of a number of committee rooms not exceeding in number one committee room for each polling district in the county, and where the number of electors in a polling district exceeds 500, one additional committee room may be hired for every complete 500 electors in such polling district over and above the first 500.

PART III.—MAXIMUM FOR MISCELLANEOUS MATTERS.

Expenses in respect of miscellaneous matters other than those mentioned in Part I. and Part II. of this schedule, not exceeding in the whole the maximum amount of 200*l.*, so nevertheless that such expenses are not incurred in respect of any matter or in any manner constituting an offence under this or any other Act, or in respect of any matter or thing, payment for which is expressly prohibited by this or any other Act.

PART IV.—MAXIMUM SCALE.

(1.) In a borough the expenses mentioned above in Parts I., II., and III. of this Schedule, other than personal expenses, shall not exceed in the whole the maximum amount in the scale following:

If the number of electors on the register—	The maximum amount shall be—
Does not exceed 2,000 - -	250*l.*
Exceeds 2,000 - -	280*l.*, and an additional 40*l.* for every complete 1,000 electors above 2,000.

A.D. 1894.

Provided that in Ireland, if the number of electors on the register—

	The maximum amount shall be—
Does not exceed 500 - -	175*l.*
Exceeds 500, but does not exceed 1,000 - -	220*l.*
Exceeds 1,000, but does not exceed, 1,500 - - -	250*l.*

(2.) In a county the expenses mentioned above in Parts I., II., and III. of this Schedule, other than personal expenses, shall not exceed in the whole the maximum amount in the scale following:

If the number of electors on the register—	The maximum amount shall be—
Does not exceed 2,000 - -	550*l.* in England and Scotland, and 450*l.* in Ireland.
Exceeds 2,000 - -	610*l.* in England and Scotland, and 510*l.* in Ireland; and an additional 40*l.* in England and Scotland, and 25*l.* in Ireland, for every complete 1,000 electors above 2,000.

PART V.— GENERAL.

(1.) For the purposes of this Schedule the number of electors shall be taken according to the enumeration of the electors in the register of electors.

(2.) Where there are two or more joint candidates at an election, the maximum amount of expenses mentioned in Parts III. and IV. of the Schedule shall, for each of such joint candidates, be reduced by one-fourth, or, if there are more than two joint candidates, by one-third.

(3.) Where the same election agent is appointed by or on behalf of two or more candidates at an election, or where two or more candidates, by themselves or any agent or agents, hire or use the same committee rooms for such election or employ or use the services of the same sub-agents, clerks, messengers, or polling agents at such election, or publish a joint address or joint circular or notice at such election, those candidates shall be deemed for the purposes of this enactment to be joint candidates at such election.

Provided that—

(*a.*) The employment and use of the same committee room, sub-agent, clerk, messenger, or polling agent, if accidental or casual, or of a trivial and unimportant character, shall not be deemed of itself to constitute persons joint candidates.

(*b.*) Nothing in this enactment shall prevent candidates from ceasing to be joint candidates.

(*c.*) Where any excess of expenses above the maximum allowed for one of two or more joint candidates has arisen owing to his having ceased to be a joint candidate, or to his having become a joint candidate after having begun to conduct his election as a separate candidate, and such ceasing or beginning was in good faith, and such excess is not more than under the circumstances is reasonable, and the total expenses of such candidate do not exceed the maximum amount allowed for a separate candidate, such excess shall be deemed to have arisen from a reasonable cause within the meaning of the enactments respecting the allowance by the High Court or election court of an exception from the provisions of this Act which would otherwise make an act an illegal practice, and the candidate and his election agent may be relieved accordingly from the consequences of having incurred such excess of expenses.

TENTH SCHEDULE.

PART I.—FORM OF DECLARATION AS TO EXPENSES.

Form for Candidate.

I , having been a candidate at the election for the county [*or* borough] of on the day of , do hereby solemnly and sincerely declare that I have examined the return of election expenses [about to be] transmitted by my election agent [*or if the candidate is his own election agent,* "by me"] to the returning officer at the said election, a copy of which is now shown to me and marked , and to the best of my knowledge and belief that return is correct;

And I further solemnly and sincerely declare that, except as appears from that return, I have not, and to the best of my knowledge and belief no person, nor any club, society, or association, has, on my behalf, made any payment, or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election;

And I further solemnly and sincerely declare that I have paid to my election agent [*if the candidate is also his own election agent, leave out* "to my "election agent"] the sum of pounds and no more for the purpose of the said election, and that, except as specified in the said return, no money, security, or equivalent for money has to my knowledge or belief been paid, advanced, given, or deposited by anyone to or in the hands of my election agent [*or if the candidate is his own election agent,* "myself"] or any other person for the purpose of defraying any expenses incurred on my behalf on account of or in respect of the conduct or management of the said election:

And I further solemnly and sincerely declare that I will not, except so far as I may be permitted by law, at any future time make or be party to the

A.D. 1894.

making or giving of, any payment, reward, office, employment, or valuable consideration for the purpose of defraying any such expenses as last mentioned, or provide or be party to the providing of any money, security, or equivalent for money for the purpose of defraying any such expenses.

Signature of declarant *C.D.*

Signed and declared by the above-named declarant on the day of , before me.

(Signed) *E.F.*
Justice of the Peace for

Form for Election Agent.

I, , being election agent to , candidate at the election for the county [*or* borough] of , on the day of , do hereby solemnly and sincerely declare that I have examined the return of election expenses about to be transmitted by me to the returning officer at the said election, and now shown to me and marked , and to the best of my knowledge and belief that return is correct;

And I hereby further solemnly and sincerely declare that, except as appears from that return, I have not and to the best of my knowledge and belief no other person, nor any club, society, or association, has, on behalf of the said candidate made any payment, or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election:

And I further solemnly and sincerely declare that I have received from the said candidate pounds and no more [*or* nothing] for the purpose of the said election, and that, except as specified in the said return sent by me, no money, security, or equivalent for money has been paid, advanced, given, or deposited by any one to me or in my hands, or, to the best of my knowledge and belief, to or in the hands of any other person for the purpose of defraying any expenses incurred on behalf of the said candidate on account of, or in respect of the conduct or management of the said election.

Signature of declarant *A.B.*

Signed and declared by the above-named declarant on the day of before me.

(Signed) *E.F.*
Justice of the Peace for

Form of Return of Election Expenses.

I, *A.B.*, being election agent to *C.D.*, candidate at the election for the county [*or* borough] of on the day of , make the following return respecting election expenses of the said candidate at the said election [*or where the candidate has named himself as election agent*, "I, *C.D.*, candidate at the election for the county [*or* borough] of " on the day of , acting as my own " election agent, make the following return respecting my election expenses at " the said election "].

Receipts.

Received of [*the above-named candidate*] [*or where the candidate is his own election agent,* "Paid by *me*"] £

Received of *J.K.* - - - - - - £

[*Here set out the name and description of every person, whether the candidate or not, club, society, or association, from whom any money, securities, or equivalent of money was received in respect of expenses incurred on account of or in connexion with or incidental to the above election, and the amount received from each person, club, society, or association respectively.*]

Expenditure.

By the returning officer for the said county [*or* borough] for his charges at the said election - - - - £

Personal expenses of the said *C.D.*, paid by himself [*or if the candidate is his own election agent,* "Paid by me as "candidate"] - - - - - - £

Do. do. paid by me [*or if the candidate is his own election agent add,* "acting as election agent"] - - - - - - £

Received by me for my services as election agent at the said election [*or if the candidate is his own election agent, leave out this item*] - - - - - - £

Paid to *G.H.*, as sub-agent of the polling district of - £

[*The name and description of each sub-agent and the sum paid to him must be set out separately.*]

Paid to as polling agent - - - £

Paid to as clerk for days services £

Paid to as messenger for days services - £

[*The names and descriptions of every polling agent, clerk, and messenger, and the sum paid to each must be set out separately either in the account or in a separate list annexed to and referred to in the account, thus* "Paid to polling agent (*or as the case may be*) as per annexed list £ ."]

Paid to the following persons in respect of goods supplied or work and labour done:

To *P.Q.* (printing) - - - - - £

To *M.N.* (advertising) - - - - - £

To *R.S.* (stationery) - - - - - £

[*The name and description of each person, and the nature of the goods supplied, or the work and labour done by each, must be set out separately either in the account or in a separate list annexed to and referred to in the account.*]

Paid for postage, telegrams, parcels, &c. - - - £

A.D. 1894.

Paid for the hire of rooms as follows :—

For holding public meetings - - - - £

For committee room - - - - - £

[*A room hired for a public meeting or for a committee room must be named or described so as to identify it; and the name and description of every person to whom any payment was made for each such room, together with the amount paid, must be set out separately either in the account or in a separate list annexed to and referred to in the account.*]

Paid for miscellaneous matters, namely— - - - £

[*The name and description of each person to whom any sum is paid, and the reason for which it was paid to him, must be set out separately either in the account or in a separate list annexed to and referred to in the account.*]

In addition to the above, I am aware, as election agent for *C.D.*, [*or if the candidate is his own election agent, leave out* "as "election agent for *C.D.*,"] of the following disputed and unpaid claims; namely,—

Disputed claims.

By *T.U.* for - - - - - - £

[*Here set out the name and description of each person whose claim is disputed, the amount of the claim, and the goods, work, or other matter on the ground of which the claim is based.*]

Unpaid claims allowed by the High Court to be paid after the proper time or in respect of which application has been or is about to be made to the High Court.

By *M.O.* for - - - - - - - £

[*Here state the name and description of each person to whom any such claim is due, and the amount of the claim, and the goods, work, and labour or other matter on account of which the claim is due.*]

(Signed) *A.B.*

PART II.—FORM OF DECLARATION AS TO EXPENSES.

Form for Candidate where declared a Candidate or nominated in his absence and taking no part in the Election.

I, , having been nominated [*or* having been declared by others] in my absence [to be] a candidate at the election for the county or borough of held on the day of , do hereby solemnly and sincerely declare that I have taken no part whatever in the said election.

A.D. 1894.

And I further solemnly and sincerely declare that [*or* with the exception of] I have not, and no person, club, society, or association at my expense has, made any payment, or given, promised, or offered, any reward, office, employment, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election.

And I further solemnly and sincerely declare that [*or* with the exception of] I have not paid any money or given any security or equivalent for money to the person acting as my election agent at the said election, or to any other person, club, society, or association on account of or in respect of the conduct or management of the said election, and that [or with the exception of] I am entirely ignorant of any money security or equivalent for money having been paid, advanced, given, or deposited by any one for the purpose of defraying any expenses incurred on account of or in respect of the conduct or management of the said election.

And I further solemnly and sincerely declare that I will not, except so far as I may be permitted by law, at any future time make or be party to the making or giving of any payment, reward, office, employment, or valuable consideration for the purpose of defraying any such expenses as last mentioned, or provide or be party to the providing of any money, security, or equivalent of money for the purpose of defraying any such expenses.

Signature of declarant *C.D.*

Signed and declared by the above-named declarant on the day of , before me,

(Signed) *E.F.*
Justice of the Peace for

ELEVENTH SCHEDULE.

REPEAL OF STATUTES.

Session and Chapter.	Enactments repealed or partly repealed. Title, or Short Title.	Extent of Repeal, and how repealed or otherwise affected.

Parliamentary Elections.

A

B I L L

To consolidate, simplify, and amend the L
relating to Parliamentary Elections, and
other purposes relating thereto.

(Prepared and brought in by
Mr. Howell, Mr. James Rowlands, Mr. Pickersgill
Mr. James Stuart, Mr. C. Fenwick, Mr. Stewart Wall
Dr. Hunter, Mr. Bowen Rowlands, and Mr. Warmingt

Ordered, by The House of Commons, *to be Printed,*
16 *March* 1894.

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[*Price* 1*s.* 1*d.*]

[Bill 57.]

Parochial Electors (Registration Acceleration) Bill.

MEMORANDUM.

The subjoined Table of dates shortly shows the effect of this Bill.

TABLE OF DATES.

Subject.	Present Date.	Proposed date for 1894.
Publication of claims and objections	25th August - -	25th August.
Sending of abstract of number of claims and objections to the revising barrister.	As soon as possible -	As soon as possible.
Notice by revising barrister (after receiving such abstract) of the date of his first court.	Seven days before the first court.	Three days before the first court.
First possible day of revision - -	8th September - -	Monday, 3rd September.
Last day for revision - -	12th October -	Saturday, 22nd September.
Completion of register—		
Register of county electors -	20th December -	Before the 22nd November.
Register of Parliamentary electors.	31st December -	Before the 22nd November.
Register comes into operation—		
Register of parochial electors -	——	22nd November.
Register of county and Parliamentary electors.	1st January - -	1st January.

A

B I L L

TO

Accelerate the Registration of Parochial Electors in England and Wales in the present year. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Acceleration of registration of parochial electors in the year 1894 in England.

1.—(1.) In the present year—

(*a*) the first day for the revision of the lists of parliamentary voters and of burgesses and of county electors shall be *the third day of September*, and the last day shall be the *twenty-second day of September*;

(*b*) the period for the inspection of lists of claims and of persons objected to shall be nine days after the *twenty-fifth day of August*;

(*c*) notice of the time and place of holding courts of revision may be given three days before the holding of the first court; and

(*d*) the declarations under section ten of the County Voters Registration Act, 1865, and section twenty-four of the Parliamentary and Municipal Registration Act, 1878, shall be sent to the clerk of the peace or town clerk on or before the *first day of September*.

28 & 29 Vict. c. 36.
41 & 42 Vict. c. 26.

(2.) The barristers appointed to revise the lists on any circuit shall commence to hold their courts for revising county lists on the *third day of September*, and shall continue to hold their courts daily for that purpose until the revision of all the lists for the counties is completed.

A.D. 1894.

(3.) Every revising barrister shall complete the revision of the lists of voters for the parishes in one polling district in a parliamentary county, and transmit the same to the clerk of the county council before proceeding to revise the lists of voters for any parish in another polling district, and the revising barrister shall complete the revision of the lists of voters for one parliamentary county, and transmit the same to the clerk of the county council before proceeding to revise the lists of voters for any parish in another parliamentary county or in any parliamentary borough.

(4.) Every barrister who revises any county lists shall on forwarding his appointment to the Treasury certify that he has complied with the provisions of this Act.

(5.) The said lists when revised shall be delivered before the *twenty-second day of November* and *on that day* shall come into operation for the purpose of the Local Government Act, 1894, as the register of parochial electors, but shall come into operation as the parliamentary and local government register of electors on the day heretofore fixed by law.

56 & 57 Vict. c. 73.

(6.) *The cost of any additional number of revising barristers required in the present year by reason of this Act shall be paid out of moneys provided by Parliament and shall not be payable partly by the county authorities as specified in section nine of the County Electors Act*, 1888.

51 & 52 Vict. c. 10.

Adjustment of registers for wards or altered boundaries.

2. Where a county council have divided any parish, or district into wards, or have made an order altering the boundaries of any parish, union, or district not being a borough, the clerk of the county council shall adjust the register of parochial electors for the area affected in such manner as is necessary for enabling every parochial elector to vote in the ward, union, or district in which his qualification is situate.

Short title and construction.

3. This Act may be cited as the Registration Acceleration Act, 1894.

6 & 7 Vict. c. 18; 54 & 55 Vict. c. 18.

This Act shall be construed as one with the Registration of Electors Acts, 1843 to 1891, and the Acts amending the same, and shall apply only to the registration of parochial electors in the present year.

Parochial Electors (Registration Acceleration).

A

B I L L

To accelerate the Registration of Parochial Electors in England and Wales in the present year.

(*Prepared and brought in by Mr. Shaw Lefevre and Sir John Hibbert.*)

Ordered, by The House of Commons, *to be Printed* 19*th April* 1894.

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and 90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* 1*d.*]

[Bill 175.]

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Accelerate the Registration of Parochial Electors in England and Wales in the present year. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Acceleration of registration of parochial electors in the year 1894 in England.

1.—(1.) In the present year—

(*a*) the first day for the revision of the lists of parliamentary voters and of burgesses and of county electors shall be the third day of September, and the last day shall be the twenty-second day of September; except that in the case of the lists of occupation voters and burgesses in a parliamentary borough which is also a county borough the last day shall be the same as if this Act had not passed;

(*b*) the period for the inspection of lists of claims and of persons objected to shall be nine days after the twenty-fifth day of August;

(*c*) the declarations under section ten of the County Voters Registration Act, 1865, and section twenty-four of the Parliamentary and Municipal Registration Act, 1878, shall be sent to the clerk of the peace or town clerk on or before the first day of September. 28 & 29 Vict. c. 36. 41 & 42 Vict. c. 26.

(2.) The barristers appointed to revise the lists on any circuit shall commence to hold their courts for revising lists of voters for any parliamentary county on the third day of September, and shall continue to hold their courts daily, except on Sunday, for that purpose until the revision of those lists for all the parliamentary counties is completed.

[Bill 282.]

A.D. 1891.

(3.) Every revising barrister shall, on the day he holds his court or on any of the three days following, send to the clerk of the county council the lists revised at that court, and, if there is more than one court for a polling district, shall complete the revision of the lists of that polling district before holding a court for revising the lists of voters for any parish in another polling district, and the revising barrister shall complete the revision of the lists of voters for one parliamentary county, and transmit the same to the clerk of the county council before proceeding to revise the lists of voters for any parish in another parliamentary county or in any parliamentary borough.

(4.) Every barrister who revises any lists of voters for a parliamentary county shall on forwarding his appointment to the Treasury certify that he has complied with the provisions of this Act.

(5.) The revised lists of voters shall be printed, signed, and, where necessary, delivered to the sheriff, or to the returning officer for parliamentary elections, as the case may be, by the clerk of the county council or town clerk before the thirtieth day of November and on that day shall come into operation for the purpose of the Local Government Act, 1894, as the register of parochial electors, but shall come into operation as the parliamentary and local government register of electors on the day heretofore fixed by law.

56 & 57 Vict. c. 73.

(6.) The cost of any additional number of revising barristers required in the present year by reason of this Act shall be paid out of moneys provided by Parliament and shall not be payable partly by the county authorities as specified in section nine of the County Electors Act, 1888.

51 & 52 Vict. c. 10.

Adjustment of registers for wards or altered boundaries.

2. For the purpose of making the lists of voters and the register of parochial electors correspond with any alteration of the boundaries of a parish union or district, or any division of a parish or district into wards effected by or in pursuance of the Local Government Act, 1894, or with any alteration or division in respect of which a direction has been given by the county council under section eighty-four of that Act, the clerk of the county council or town clerk, as the case may be, shall—

(*a*) Divide or combine the lists of voters (including the list of ownership voters) or the lists forming the register of parochial electors, in such manner as they may think necessary for the purpose; and

(*b*) Give such instructions to the overseers as they think fit to divide or combine the lists of voters (including the list of

ownership voters) framed by them in cases where it is possible for the overseers to do so before the date of the delivery of the lists to the clerk of the county council, or town clerk, as the case may be.

(2.) It shall be the duty of the overseers to carry out any instructions so given by the clerk of the county council, or town clerk, and also where it is necessary for the clerk of the county council or town clerk to divide or combine any lists under this section to give them such assistance for the purpose as may be within their power.

Registration in case of altered parish.

3.—(1.) Where any person would be entitled to have his name entered on the list of parochial electors for any parish, if any alteration of area to be effected by or in pursuance of the Local Government Act, 1894, or any alteration in respect of which a direction has been given by the county council under section eighty-four of the Local Government Act, 1894, were actually in force, that person may claim under sub-section (9.) of section forty-four of the Local Government Act, 1894, to have his name so entered, and his name shall be so entered, but until the alteration is in force he shall not be entitled to vote in respect of that entry.

(2.) Where an ownership voter is entitled to have his name entered in the list of parochial electors for a parish by virtue only of this section, he may claim to have his name so entered by giving notice to the overseers of his claim on or before the twentieth day of August, and the Registration of Electors Acts, 1843 to 1891, and the Acts amending the same, shall apply in the case of those claims as they apply to the claims of occupation voters.

Short title and construction. 6 & 7 Vict. c. 18; 54 & 55 Vict. c. 18.

4. This Act may be cited as the Registration Acceleration Act, 1894.

This Act shall be construed as one with the Registration of Electors Acts, 1843 to 1891, and the Acts amending the same, and shall apply only to the registration of parochial electors in the present year.

Parochial Electors (Registration Acceleration).

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To accelerate the Registration of Parochial Electors in England and Wales in the present year.

(Prepared and brought in by Mr. Shaw Lefevre and Sir John Hibbert.)

Ordered, by The House of Commons, *to be Printed*, 14 *June* 1894.

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[Bill 282.]

Patent Agents.

MEMORANDUM.

By the Patents, Designs, and Trade Marks Act, 1888, section 1, it was enacted that patent agents should be registered, and subject to section 101 of the Patents, Designs, and Trade Marks Act, 1883, power was given to the Board of Trade to make rules regulating such registration. The report of Sir Farrer Herschel's committee, appointed by the Board of Trade in 1885, explains what led up to such registration (C.—4968, 1887). The Institute of Patent Agents was incorporated under the Companies Acts in 1882 by a few patent agents. The Board of Trade granted to the institute the keeping of the register of patent agents, and the use of certain fees levied in respect of registration. The Court of Session, Scotland, has on appeal decided that these fees are illegal imposts, and that the Board of Trade rules under which they are levied are *ultra vires*. Sections 24 and 101 of the Patents, Designs, and Trade Marks Act, 1883, bear upon such decision.

By this Bill it is sought to obtain from Parliament power to incorporate such patent agents as may be willing, and for all patent agents, whether they join such corporate body or not, to elect from amongst themselves a council to keep the roll of patent agents, and to be the governing body of the profession.

A

B I L L

TO

Amend the Law relating to Patent Agents.

A.D. 1894.

WHEREAS it is expedient that persons practising as patent agents in the United Kingdom should possess a competent practical knowledge of, and be qualified to advise and to afford reliable information respecting matters relating to the patent law and practice of the United Kingdom, the British Colonies and Dependencies, and Foreign Countries; and that distinction be made between qualified and unqualified persons; and that unqualified persons and persons of evil repute should be restrained from practising as patent agents; and that for these and other purposes the law relating to patent agents be amended:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:

Short title.

1. This Act may be cited as the Patents, Designs, and Trade Marks (Registration of Patent Agents) Act, 1894.

Interpretation of terms

2. In this Act—

"The institute" means the chartered institute of patent agents incorporated by a charter granted by Her Majesty in the year one thousand eight hundred and ninety-one, and hereinafter referred to as the "charter."

"The society" means the society of patent agents, established in the year one thousand eight hundred and ninety-three.

"The committee" means the committee appointed by resolution of a meeting of registered patent agents in the year one thousand eight hundred and ninety-two.

"Body" means the body incorporated by this Act.

A.D. 1894.

"The council" means the council appointed or elected under this Act to carry into effect the provisions of this Act respecting patent agents.

"The Comptroller" means the Comptroller-General of patents.

"The register" means the register or duplicate of the roll of patent agents to be kept under this Act.

"The present register" means the register kept under section one of the Patents, Designs, and Trade Marks Act, 1888.

"The roll" means the roll of patent agents to be kept by the council under this Act.

"Patent agent" means any person in the United Kingdom who undertakes for pecuniary or other commercial consideration to apply for, or to draft the documents required in applying for a patent in the United Kingdom, the British colonies or dependencies or in any foreign country.

"Byelaws" means the byelaws authorised by the Board of Trade from time to time under this Act.

"United Kingdom" includes the Isle of Man.

Incorporation.

3. William Gadd, Henry Gardner, Joseph Sinclair Fairfax, and such other persons whose names are on, or entitled to be on the present register, as may signify in writing to the council their desire to become members of the body hereby incorporated, together with such other persons as may hereafter become patent agents under the provisions of this Act and signify to the council their desire to become members of such body, are hereby united into a body for the purpose of keeping the roll of patent agents and for other purposes of this Act, and for these purposes are hereby incorporated by the name of "Incorporated Patent Agents," and by that name, or by such other name as may be adopted under the provisions of section fifteen of this Act, shall be a body corporate with perpetual succession and a common seal, and with power to purchase, take, hold and dispose of lands and other property for the purposes of this Act.

The council to keep a roll of patent agents.

4. A list of patents agents enrolled under this Act shall be kept by the council in a book prepared in the form given in the Second Schedule of this Act, and shall be styled "The Roll of Patent Agents entitled to practise in the United Kingdom."

Persons entitled to have their name on the roll and register.

5. The roll shall contain the names, addresses, and date of entry of:—

(*a.*) Every person whose name is upon, or entitled to be upon, the present register.

A.D. 1894.

(*b.*) Every person who proves to the satisfaction of the Board of Trade, that prior to the passing of the Patents, Designs, and Trade Marks Act, 1888, he had been *bonâ fide* practising as a patent agent, shall be entitled to be registered as a patent agent in pursuance of this Act.

(*c.*) Every person who by examination under this Act is proved a fit and proper person to have his name entered upon the roll after payment of examination and other fees prescribed by the byelaws in respect of such entry.

(*d.*) Every person who at the time of the *passing of this Act* shall be of full age and shall produce to the council on or before the *first day of June one thousand eight hundred and ninety-five*, certificates according to the Third Schedule of this Act that he had been for a period of not less than *seven* years actually engaged and employed as the assistant of a patent agent in the work of a patent agent, and who passes such test of his skill and competency to perform the work of a patent agent as the council with the consent of the Board of Trade may consider sufficient.

A register to be kept at the Patent Office.

6. A duplicate of the roll shall be kept at the Patent Office under the direction of the comptroller, and shall be called the register of patent agents. The entries therein shall be made from certificates furnished by the council. The provisions of section 88 of the Patents, Designs, and Trade Marks Act, 1883, in respect to registers, shall apply to this register.

Certificate of enrolment.

7. Every patent agent whose name is entered upon the roll shall be furnished by the council with a certificate of such entry bearing his name, address, and date of entry. Every patent agent who changes his business address shall notify the council thereof and shall forward with such notification such fee not exceeding *five shillings*, as may be prescribed by the byelaws.

Enrolment fees.

8. Every person who is or may be entitled to be enrolled as a patent agent under the provisions of this Act shall pay to the council the sum of *twenty-one shillings*, in respect of such enrolment. The council shall forward to the comptroller a fee of *five shillings* with every certificate notifying the enrolment of a patent agent, and a fee of *two shillings and sixpence* in respect of every certificate notifying a change of address.

Provision for ensuring that only fit and proper

9. Every person desiring to qualify by examination for enrolment as a patent agent may apply to the council for an application form of the kind from time to time prescribed in the byelaws.

A.D. 1894.

persons are admitted by examination to practise as patent agents.

Such form shall be furnished to the applicant without charge. The applicant when he has filled up and signed the form shall leave it with the council, together with a fee of *ten shillings and sixpence*. The form so left shall be conspicuously exhibited in the office of the council. Notice of the application together with a fee of *five shillings* shall be forwarded by the council to the comptroller, and shall be exhibited in the library at the Patent Office, and shall be published twice in the Patent Office Journal; and unless within one month from the date of such last publication objection to an applicant is received by the council from any person on the ground of improper practices or evil repute such as would be a cause of removal from the roll and register; the applicant, upon passing the final examination and paying the examination fees, not exceeding *five pounds and five shillings*, to be prescribed by the byelaws, shall be enrolled.

Where objection to any applicant is made, the procedure in respect thereof shall be as provided by section eleven of this Act, for removing a name from the roll and register; and the council may, with the sanction of the Board of Trade, decline to examine the applicant.

Annual fee for continued enrolment.

10. Every enrolled patent agent shall pay to the council, at the commencement of each year his name is upon the roll, such annual fee not exceeding *forty-two shillings* as the byelaws provide. Any patent agent who fails to pay the prescribed sum within a time to be fixed by the byelaws may, in the discretion of the council, have his name removed from the roll and register, but subject to such provision as to prior notice and right of re-insertion as the byelaws prescribe.

Procedure for striking a name off the roll in the event of professional misconduct.

11. Any person aggrieved by the professional conduct of any enrolled patent agent may complain to the council of such conduct, setting forth the ground of his complaint by a statutory declaration, which, with a signed copy, he shall leave at the office of the council. The council shall send the copy to the patent agent complained of. The council shall cause the complaint to be investigated by a committee of not less than three persons, and if it be proved to their satisfaction that the said patent agent is guilty of disgraceful professional conduct, such as failure to lodge in due course an application for, or specification of, or relating to a patent, application for which he has been paid an agreed sum of money to make; or failure to pay in due course a patent fee or tax for which he has been paid an agreed sum of money; or fraudulent disclosure to a third party of matters relating to an invention disclosed to him by

A.D. 1894.

the inventor; or that he has subsequent to enrolment been convicted of fraudulent bankruptcy, or of any offence, which offence, if committed in England, would be a felony or a misdemeanour; or that he has caused himself to be enrolled in a false name; the council may, with the concurrence of the Board of Trade, cause the name of such patent agent to be removed from the roll, and shall notify the comptroller thereof, and the name shall thereupon be removed from the register. Provided that the name of no person shall be so removed unless and until such person has had an opportunity of defending himself against any charge brought against him.

Reference to court of a resolution to remove a name or not to examine an applicant for examination.

12. The Board of Trade may delegate their powers under sections nine and eleven of this Act to the court, which under section one hundred and seventeen of the Patents, Designs, and Trade Marks Act, 1883, would have jurisdiction over the person complained of, if an offender under that Act, and thereupon such court may make an order affirming the resolution of refusal to examine, or resolution to remove a name from the roll, subject to such conditions (if any) as to time or otherwise as the court may think fit; or may decline to make any order, in which latter event the examination shall be proceeded with, or the resolution of council to remove a name from the roll shall be void.

Re-entry of a name on the roll and register.

13. When the name of a person has been removed from the roll and the register it shall not be again entered, except—

(*a*) by a resolution of the council, passed under this section, or by order of a court of competent jurisdiction, and except in the case of suspension for which provision is herein-after made.

(*b*) the council may, by resolution passed by a like proportion of their number, as is required by the byelaws for a resolution that a name should be removed from the roll, direct the re-enrolment of any name, either without fee or on payment of such fee not exceeding *three pounds three shillings* as the byelaws prescribe; and the name shall be re-enrolled accordingly.

(*c*) in the case of a person who has been suspended from practising as a patent agent, the name may at the expiration of the period of suspension be re-enrolled without a resolution of the council.

Penalty for illegally acting as a patent agent.

14. After the *first day of June one thousand eight hundred and ninety-five* no person shall be entitled to act as a patent agent, or to describe himself as a patent agent, whether by advertisement, by description on his place of business, or by any document, issued

A.D. 1894.

by him, or in any other way, unless he is enrolled and registered as a patent agent in pursuance of this Act. And any person resident in the United Kingdom, whose name is not upon the roll and register who acts or describes himself as a patent agent, or who issues or causes to be issued any circular or advertisement in the United Kingdom, or abroad, stating that he will cause a patent to be applied for or obtained, whether in the United Kingdom or abroad, shall be deemed to have contravened this Act, and shall be liable, on summary conviction, to a fine not exceeding *twenty pounds* for a first offence, or to imprisonment in one of Her Majesty's prisons for a term not exceeding *six months* for a subsequent offence.

The institute, the society, and the committee may be incorporated with the body by this Act created.

15. The following provisions shall have effect:—

(*a.*) The institute, the society, and the committee, or any or either of them may, by agreement and with the concurrence of the Board of Trade, amalgamate and be incorporated with the body as one corporate body, either under the name of "Incorporated Patent Agents" or "Incorporated Society of Patent Agents," or any other name that the Board of Trade may allow.

(*b.*) In the event of any amalgamation under this section, it shall be optional on the part of any patent agent to participate in the additional privileges that may be due to or arise from any such amalgamation, and the fee or fees payable by him in respect of such participation shall not together exceed an annual sum of *forty-two shillings* additional to the annual fee prescribed by section ten of this Act; and in the case of persons who have, or are entitled to have, their names upon the present register, no entrance fee in respect of such additional privileges shall be taken or paid, and no examination shall be required; but in the case of patent agents who, after the *passing of this Act*, become qualified by examination, an entrance fee not exceeding *five pounds five shillings* may be charged in respect of such additional privileges, and a special examination may be required.

The council.

16. The body incorporated by this Act shall be governed by a council consisting of twenty-one members, inclusive of the president, the immediate past president, and the other honorary officers. Every patent agent enrolled under the provisions of this Act shall be eligible for election on the council without becoming a member of the body, and shall be entitled to vote in the election of president, vice-president, members of the council, members of the examining

board, and for the adoption, revision, or variation of byelaws. Four members of the council shall retire annually in order of seniority of election, and shall not be eligible for re-election till a year has expired. The council shall nominate at least two persons for president and four for vice-presidents at each election. There shall be no ex-officio members of council except the immediate past president. The persons named in the First Schedule to this Act shall be the first council, and shall remain in office till a council is elected under the provisions of this Act. The order of seniority of the first elected council shall be determined by the voting on their election. The byelaws shall prescribe the quorum of the council. The quorum of the first council shall be five.

Byelaws.

17. The first council shall, within two months from the *passing of this Act*, or within such further period as the Board of Trade may allow, prepare draft byelaws, and send to each patent agent named in the present register a copy thereof inviting him to make observations thereon within *one month*, and the said council shall take into consideration all observations so offered and shall finally settle the draft byelaws, and shall send to each such patent agent as aforesaid the draft byelaws so settled; and shall call a general meeting of such patent agents to be held in London at a time and place to be fixed by the said council, not less than fourteen clear days' notice of such meeting being given to such patent agents. The said council shall select one of their number to preside at such meeting. The byelaws as adopted at such meeting shall not come into effect until they have been submitted to and allowed by the Board of Trade. One of the members of the said council shall act as secretary pro tem. till byelaws are allowed and officials are elected under same. The byelaws shall, among other things, prescribe the regulations as to service with a patent agent or other preliminary qualification for examination under section nine of this Act, and the constitution of the examining board.

First election of council and officers.

18. Within *one month* after the allowance of the byelaws by the Board of Trade the first council shall hold an election of officers and council under the byelaws; and upon such election being held the first council shall cease to exist.

Amendment of byelaws.

19. The byelaws allowed under section seventeen of this Act may from time to time be altered by resolution at a general meeting of enrolled patent agents, confirmed at a subsequent general meeting held not less than fourteen or more than twenty-eight days after the former meeting, rescinding, varying, or adding new byelaws for the better carrying into effect the purposes of this

A.D. 1894.

Act, and for the furtherance, control, and regulation of the objects, affairs, and business of the body: Provided always that no alteration inthe byelaws be of effect until confirmed and allowed by the Board of Trade.

Byelaws not to fix minimum fees or to prevent patent agents from advertising or from carrying on other business.

20. Neither the byelaws nor the council shall fix any minimum fee or fees to be charged by patent agents in their practice; or shall prevent any patent agent from advertising for practice in any honourable way, or from carrying on any other business or occupation in conjunction with his practice as a patent agent.

Repeal of 51 & 52 Vict. c. 50. s. 1, as and from 1 June 1895, and saving clause.

21. Section one of the Patents, Designs, and Trade Marks Act, 1888, is hereby repealed as and from the *first day of June one thousand eight hundred and ninety-five*, upon which day the provisions of section fourteen of this Act shall come into force. Nothing in this Act shall affect the validity of any act done, right acquired, or liability incurred before the passing of this Act, or the coming into operation of section fourteen of this Act respectively.

Provision for varying first council and adapting byelaws in the event of amalgamation under section fifteen of this Act.

22. In the event of any agreement to amalgamate under section fifteen of this Act receiving the concurrence of the Board of Trade before the time for drafting byelaws prescribed by section seventeen of this Act, the following provisions shall be of effect:—

(*a.*) Other persons may, under such agreement, be added to or substituted for those named in the First Schedule to this Act, and the persons whose names are in the so revised schedule shall be the first council. Provided that the number of the first council shall not thereby exceed twenty-seven members.

(*b.*) Provision shall be made in the byelaws for the appointment of a privilege committee to be chosen by such patent agents as subscribe for additional privileges under section fifteen of this Act. Such committee shall have the sole control of matters relating to such additional privileges. Patent agents who do not elect to subscribe to such privileges shall not be in any way entitled to participate therein, or to question any legal act of the privilege committee.

SCHEDULES.

A.D. 1894.

FIRST SCHEDULE.

FIRST COUNCIL.

Name.	Address.	Name.	Address.

SECOND SCHEDULE.

FORM.

The ROLL of PATENT AGENTS entitled to practise in the United Kingdom.

Surname.	Christian Name.	Address.	Date of Entry on Register kept under the Act of 1888.	Date of Entry on this Roll.
A.	*B.*			
C.	*D.*			

A.D. 1894.

THIRD SCHEDULE.

DECLARATIONS to be signed by and on behalf of any Assistant claiming to be registered under the Patents, Designs, and Trade Marks (Registration of Patent Agents) Act, 1894.

* Or other name under the Act.

To the Council of the "Incorporated Patent Agents."*

I hereby declare that the undersigned , residing at , in the of , had for seven years immediately before the passing of the Patents, Designs, and Trade Marks (Registration of Patent Agents) Act, 1894, been employed as an Assistant to a Patent Agent in the work of a Patent Agent, and attained the age of twenty-one years.

As witness my hand this day of 18 .

A.B., duly registered patent agent.
C.D., solicitor.
E.F., magistrate.

(*To be signed by one of the three parties described.*)

I hereby declare that I was Assistant to , of , in the of , in the year , and was for seven years immediately before the passing of the Patents, Designs, and Trade Marks (Registration of Patent Agents) Act, 1894, actually engaged in the work of a patent agent as such assistant, and that I had attained the full age of twenty-one years at the time of the passing of the said Act.

G.H., Assistant.

Patent Agents.

A

B I L L

To amend the Law relating to Patent Agents.

(*Prepared and brought in by Mr. Alban G. H. Gibbs, Sir Reginald Hanson, Mr. W. F. D. Smith, Mr. Henry Kimber, Dr. Farquharson, Mr. A. Birrell, and Sir Albert Rollit.*)

Ordered, by The House of Commons, *to be Printed*, 16 March 1894.

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[Bill 18.]

Patent Agents Registration.

MEMORANDUM.

The object of this Bill is not to create a monopoly, but to regulate the profession of patent agents in a manner similar to that in which other professions, such as those of solicitors, veterinary surgeons, and dentists are regulated.

It is desirable that this object should be attained by an Act, rather than by rules made under an Act, as is the present case.

The Bill provides special facilities for the admission to membership of the Chartered Institute of Patent Agents, and protects the public from deception by the unauthorised assumption of the title of patent agent. In other respects it embodies and carries out existing provisions.

The provisions restricting the right to practise and to recover charges to registered persons, are similar to those conferred on dentists and veterinary surgeons by existing Acts, as are the provisions as to refusal of registration and erasure from the register, and as to the passing of an examination being a condition precedent to the right to practise.

Patent Agents Registration.

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2. Interpretation.

Registration.

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4. Penalty on unauthorised use of title "chartered."
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7. Qualification necessary for registration.
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21. Penalty on wilful falsification of register.
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1. Form of register.
2. Preliminary examinations.
3. Constitution of committee of the election.

A

B I L L

TO

Provide for the Registration of Patent Agents. A.D. 1894.

WHEREAS it is expedient to amend the law relating to the registration of patent agents, and to make further provision with reference to persons practising as patent agents:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Patent Agents Act, 1894, and this Act and the Patents, Designs, and Trade Marks Acts, 1883 to 1888, may be cited collectively as the Patents, Designs, and Trade Marks Acts, 1883 to 1894. Short title.

2. In this Act— Interpretation.

"The Act of 1888," means the Patents, Designs, and Trade Marks Act, 1888.

"The Institute" means the Chartered Institute of Patent Agents, incorporated by Royal Charter on the eleventh day of August one thousand eight hundred and ninety-one.

"The Institute of 1882," means the Institute of Patent Agents, incorporated in London in the year one thousand eight hundred and eighty-two.

"The Charter" means the said Royal Charter.

"The council" means the council for the time being of the Institute.

"The registrar" means the person appointed to be registrar by the Institute.

"Final examination" means such a final qualifying examination as to a candidate's knowledge of patent law and

A.D. 1894.

practice, and of the duties of a patent agent as the Institute shall from time to time prescribe, and includes all final qualifying examinations held under the Register of Patent Agents Rules, 1889, and under the Register of Patent Agents Rules, 1889 to 1891.

"The existing register" means and includes any register or registers of patent agents kept by the Institute in accordance with section one of the Act of 1888, and the Register of Patent Agents Rules, 1889 to 1891.

"The register" or "the current register," means the annual register of patent agents for the current year, kept by the Institute under this Act.

"Registered patent agent" means, until *the thirty-first day of December, one thousand eight hundred and ninety-four*, any person who is for the time being on the existing register; and on and after *the first day of January, one thousand eight hundred and ninety-five*, any person who for the time being is on the register.

"The Comptroller General" means the Comptroller General of Patents, Designs, and Trade Marks for the time being, or the officer for the time being authorised to discharge the duties of the Comptroller General, in accordance with the Patents, Designs, and Trade Marks Acts, 1883 to 1888, or any amending Acts.

"The Court" means the High Court in England.

Registration.

Penalty on unregistered persons using the title of "patent agent, &c."

3. If any person other than a registered patent agent takes or uses, whether by advertisement, by description on his place of business or elsewhere, or in or on any paper or document or otherwise, and whether in his own or any other name, the title of patent agent or agent for obtaining patents, or patent registration agent, or patent attorney, or patent expert, or inventor's agent, or any name, title, addition, or description, stating or implying that he is a patent agent, or that he is a person qualified to act as a patent agent, or uses on his place of business or elsewhere the words patent office, office for patents, patent agency, or any other words implying in any way that he acts or practises in any part of the United Kingdom as an agent for obtaining patents, he shall be liable for each offence to a fine not exceeding *twenty pounds*.

Penalty on unauthorised use of title "chartered."

4.—(1.) If any person, not being a fellow of the Institute, takes or uses any name, title, addition or description, by means of initials

or letters placed after his name, or otherwise, stating or implying that he is a fellow of the Institute or a chartered patent agent, he shall be liable for each offence to a fine not exceeding *twenty pounds.*

(2.) It shall not be lawful for any association of patent agents, which is not incorporated by Royal Charter, to take or use the title or description of chartered, or any other title, addition, or description stating or implying that such association is incorporated by Royal Charter. If any association shall act in contravention of this section, it shall be liable to a penalty not exceeding *five pounds* per day.

Institution of prosecutions.

5. A prosecution for any of the offences above in this Act mentioned shall not be instituted by a private person without the consent of the Institute, but may be instituted by the Institute.

Privileges of registered persons.

6.—(1.) It shall not be lawful for the Comptroller General to receive any document relating to an application for a patent or to the amendment of any specification if such document be signed by any person or persons other than the applicant or applicants or a registered patent agent.

(2.) No person other than a registered patent agent shall be entitled to practise in the United Kingdom as an agent for obtaining patents, or to recover in any court any fee or charge for acting as such patent agent.

(3.) Every registered patent agent shall be exempt, if he so desires, from serving on all juries and inquests whatsoever, and from serving all corporate, parochial, hundred, and township offices, and from serving in the militia, and the name of any such person shall not be returned in any list of persons liable to serve in the militia or in any such office as aforesaid.

(4.) No registered patent agent shall be required—

(*a*) to produce in any court or elsewhere, except on the request of the client or his legal representative, any unpublished specification for a patent, or the draft of any such specification, or any patent application, or any opinion or report addressed to a client, or any correspondence between him and a client as to the validity or infringement of any patent, or any diary or memorandum so far as it relates to any such papers or documents.

(*b*) to deliver to any client, or person claiming under a client, any patent, or other document until his claim against the client for all reasonable costs and charges incurred in relation to such or any other patent or other document is satisfied.

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Qualification necessary for registration.

7.—(1.) Every person who—

(*a*) has been previously registered under this Act or the Act of 1888;

(*b*) has passed a final examination, and produces or transmits to the registrar a certificate under the seal of the Institute, or the Institute of 1882, that he has passed such an examination,

shall, subject to the provisions of this Act, be entitled to be registered under this Act.

(2.) No other person shall be entitled to be so registered.

Registration of qualified persons.

8.—(1.) Every person who is qualified as in the last section mentioned may apply to the registrar to be registered under this Act.

(2.) Unless cause to the contrary is shown to the satisfaction of the registrar, it shall be his duty, subject to the provisions of this Act, to enter the name of the applicant in the register for the following year or in the current register if the person making the application so desire.

(3.) The annual fee for registration shall be *three pounds*, and the registrar shall not enter in the register for any year the name of any person until after he shall have paid the registration fee of *three pounds* in respect of such entry for that year.

Refusal of registrar to register.

9. The registrar may refuse to register any person in respect of whom it is proved to the satisfaction of the registrar—

(*a*) that he has at any time, either in Her Majesty's dominions or elsewhere

(i.) been convicted of an offence which, if committed in England, would be a felony or misdemeanor; or

(ii.) been guilty of disgraceful professional conduct, either as a patent agent or in any other capacity; or

(*b*) that he is an undischarged bankrupt; or

(*c*) that he is not resident in the United Kingdom.

Appeal from registrar to Institute and therefrom to Court.

10.—(1.) If the registrar refuses to register the name of any person applying to be registered, the applicant shall be entitled to appeal to the Institute.

(2.) If the Institute, after hearing the applicant, shall affirm the decision of the registrar, the applicant may appeal to the Court, who may affirm the decision of the registrar or may direct the registrar to enter the name of the applicant on the register on such terms and conditions (if any) as to the Court may seem fit.

Contents and form of register and

11.—(1.) After *the thirty-first day of December one thousand eight hundred and ninety-four* there shall be kept by the registrar

a separate register for each year commencing with *the first day of January* and ending with *the thirty-first day of December* of such year, and such register shall be the only register so far as regards that year. A.D. 1894. other provisions as to register.

(2.) The register shall contain in one alphabetical list the names of all registered patent agents made out alphabetically according to the surnames of such registered persons, and shall state the full name and address of each registered person, the date of his first registration as a patent agent, and the date of the insertion of his name on the current register. The register shall be in the form in the First Schedule to this Act with such variations as may be required.

(3.) The register shall during office hours be open to the inspection of any person without payment of any fee.

(4.) Not later than in the month of *February* in each year, and at such other times as the Institute may think desirable, the Institute shall cause copies of the register to be printed under their direction and placed on sale.

(5.) A copy of the register purporting to be so printed and published shall be evidence of all matters stated therein, and the absence of the name of any person from the register shall be evidence, until the contrary is proved, that such person is not a registered patent agent: Provided that in the case of any person whose name does not appear in such copy a certified copy under the hand of the registrar of the entry of the name of such person in the register shall be evidence that such person is registered as a patent agent.

12.—(1.) The registrar may from time to time insert in the register any alteration which may come to his knowledge in the name or address of any person registered. Alterations in register.

(2.) Every registrar of deaths in the United Kingdom, on receiving notice of the death of any person on the register of patent agents, shall forthwith transmit by post to the registrar a certificate under his hand of such death, with the particulars of time and place of death; and on receipt of such certificate the registrar shall erase the name of such person from the register of patent agents, and shall transmit to the said registrar of deaths the cost of such certificate and transmission.

13.—(1.) An application may be made to the Court, in manner provided by this Act, to remove from the register the name of any registered patent agent on any of the grounds on which the registrar may, as provided by this Act, refuse to register a person's name. Erasure of names of persons convicted of crime or guilty of disgraceful conduct.

(2.) Where the court directs the erasure from the register of the name of any person, the name of that person shall not be again

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entered in the register for that or any subsequent year, except by order of the court.

Discipline committee.

14.—(1.) For the purpose of hearing any application to erase the name of a registered patent agent from the register, or an application to require a registered patent agent to answer allegations contained in an affidavit, the Lord Chancellor shall appoint a committee of not less than three nor more than seven of the members of the Institute, in this Act called the "discipline committee."

(2.) The Lord Chancellor may from time to time remove any member from the discipline committee, or fill any vacancy in that committee, or add to its number, provided that the number shall not exceed seven or be less than three.

(3.) No application shall be heard before less than three members of the discipline committee.

Proceedings of discipline committee.

15.—(1.) An application to erase the name of a registered patent agent from the register (whether at the instance of the registered patent agent himself, or of any other person) or an application to require a registered patent agent to answer allegations contained in an affidavit, shall be made to, and shall be heard by the discipline committee, in accordance with rules to be made under the authority of this Act.

(2.) The discipline committee, after hearing the case, shall embody their finding in the form of a report to the Court, except where the application is made at the instance of the registered patent agent himself, in which case the report shall be made to the Institute, who shall make such order thereon as they shall think fit.

(3.) If the discipline committee are of opinion that there is no *primâ facie* case of misconduct against the registered patent agent, the Institute need not take any further proceedings, but if the discipline committee are of opinion that there is a *primâ facie* case, it shall be the duty of the Institute to bring the report of the discipline committee before the Court.

(4.) The report shall have the same effect, and be treated by the Court in the same manner, as a report to the Court as to the conduct of a solicitor; and the Court may make such order thereon as to the Court may seem meet.

(5.) The discipline committee may administer oaths and take affirmations for the purposes of an inquiry, or of any application made to them under this Act.

Examinations. A.D. 1894.

Final examinations.

16. The Institute shall hold at least once in every year a final examination, and shall, subject to this Act, have the entire management and control of all such examinations, and may from time to time make regulations with respect to all or any of the following matters, that is to say—

(*a.*) The subjects for and the mode of conducting the examination of candidates;

(*b.*) The times and places of the examinations, and the notices to be given of the examinations;

(*c.*) The certificates to be given to persons of their having passed the examinations;

(*d.*) The appointment and removal of examiners, and the remuneration by fees or otherwise of the examiners so appointed; and

(*e.*) Any other matter or thing as to which the Institute may think it necessary to make regulations for the purposes of the execution of this section.

Fees for examinations.

17. A candidate for a final examination shall at the time of entering his name as such candidate pay to the Institute a fee of *two pounds* in respect of such entry.

Qualification for candidate for final examination.

18. The following persons and no others shall be entitled to present themselves as candidates for the final examination:—

(*a.*) Any person as to whom the Institute shall receive satisfactory proof that he has been for at least *seven years* engaged as a pupil or professional assistant to one or more registered patent agents;

(*b.*) Any person for the time being entitled to practise as a solicitor of the Supreme Court in England or Ireland, or as a law agent before the Court of Session in Scotland;

(*c.*) Any person who proves to the satisfaction of the Institute that he has passed one of the preliminary examinations mentioned in the Second Schedule to this Act, or such other examination as the Institute shall from time to time by regulation prescribe, either as an alternative to, or in substitution for any of the examinations mentioned in the said Schedule, or in any regulation made under this section.

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Supplemental.

Appointment and duties of registrar.

19.—(1.) The Institute shall from time to time appoint and may remove a registrar, who shall, subject to the provisions of this Act, act under the directions of the Institute.

(2.) The registrar shall have the same exemption from serving on juries, and corporate and other offices, and from serving in the Militia, as is conferred on registered patent agents by this Act.

Application of fees.

20. All moneys arising from annual registration fees, or from examination fees, or from the sale of copies of the register, or otherwise, received by the Institute under this Act, shall be the property of the Institute.

Penalty on wilful falsification of register.

21. If the registrar wilfully makes, or causes to be made, any falsification in any matter relating to the register of patent agents, he shall be deemed guilty of a misdemeanor, and shall be liable to be imprisoned, with or without hard labour, for any term not exceeding *twelve months*.

Penalty for obtaining registration by false representations.

22. Any person who wilfully procures or attempts to procure himself to be placed on the register by making or producing, or causing to be made or produced, any false or fraudulent declaration, certificate, or representation, either in writing or otherwise, and any person aiding and assisting him therein, shall be deemed guilty of a misdemeanor, and shall on conviction thereof be liable to be imprisoned, with or without hard labour, for any term not exceeding *twelve months*.

Recovery of penalties.

23. All penalties under this Act may be recovered summarily under the provisions of the Summary Jurisdiction Act.

Council to act for Institute.

24. Any act or thing authorised or required to be done by the Institute under or in pursuance of this Act may be done by the council for the time being on behalf of the Institute.

Rules by Lord Chancellor.

25. The Lord Chancellor may make rules for carrying into execution the purposes of this Act, both generally, and in particular, for regulating the making, hearing, and determining of—

(*a*) applications to the discipline committee;

(*b*) reports by the discipline committee to the Court;

(*c*) appeals to the Institute from the refusal of the registrar to register the name of an applicant, and appeals from the Institute to the Court where the Institute affirm the registrar's decision.

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Confirmation of Charter.

26. The Charter is hereby confirmed, and is and shall be in full force and virtue, except so far as the same is by this Act altered, or as the same is inconsistent with this Act, but not so as to prevent the making of any amendment thereof or addition thereto by any supplemental royal charter not being inconsistent with this Act.

Temporary Provisions and Repeals.

Committee of election and admission of fellows.

27.—(1.) At any time within *six* months after the *passing of this Act* any registered patent agent, not being under the age of *twenty-five years*, may apply to the Institute to be admitted a fellow of the Institute without having to comply with the provisions of the Charter as respects proposal, recommendation, and election by fellows of the Institute, but subject in all other respects to the provisions of the Charter.

(2.) Every application made by a registered patent agent under this section shall be referred by the Institute to a committee, in this Act called the committee of election, to consist of five members, two of whom shall be, and three of whom shall not be, nor shall have been, patent agents, to be nominated within *three* months from the passing of this Act, and in accordance with the Third Schedule hereto.

(3.) Any vacancy occurring in the committee of election shall be filled by the nomination of a new member, nominated in the same way as the member whose appointment has been vacated: any act done by the committee during any vacancy shall not be invalidated or affected thereby.

(4.) Three members of the committee of election shall form a quorum.

(5.) The chairman at any meeting shall not be a patent agent.

(6.) There shall be paid out of the funds of the Institute to such members of the committee of election as are not patent agents such remuneration as the Lord Chancellor may by rules under this Act prescribe.

Proceedings of committee of election.

28.—(1.) The committee of election shall consider every application referred to them under this Act, with due regard to the objects of the Institute as set forth in the Charter, and shall hear the Institute, and the applicant if he so desires, and shall afterwards report to the Institute.

(2.) If the committee of election report that the applicant ought to be admitted a Fellow of the Institute, the Institute shall cause to be addressed to the applicant a registered letter informing him of such report having been made. If within *one month* after the

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posting of the said letter the applicant pay to the secretary of the Institute the entrance fee and the annual subscription for the current year, payable by fellows under the provisions of the Charter and bye-laws, he shall thereupon be admitted a fellow of the Institute.

(3.) Notwithstanding anything in this Act contained, no person shall be entitled under this Act to admission to membership of the Institute if he shall neglect or fail to pay to the secretary of the Institute within the time prescribed by this section, the amount of his entrance fee and annual subscription for the current year.

(4.) Every person admitted a fellow of the Institute in accordance with the provisions of this Act shall in all other respects be bound by the provisions of the Charter and the byelaws from time to time made thereunder, and nothing in this Act contained shall be construed to entitle any person to continue a fellow of the Institute in contravention of the provisions of the Charter and the bye-laws.

Existing register.

29.—(1.) The existing register shall be the register until *the thirty-first day of December one thousand eight hundred and ninety-four*, and the registrar shall have the custody thereof.

(2.) The provisions of this Act with regard to registration shall apply to the existing register, and no person's name shall be placed or continued on the existing register unless he has paid the registration fee in respect of the year one thousand eight hundred and ninety-four.

Repeal.

30. Section one of the Act of 1888 is hereby repealed, and the Register of Patent Agents Rules, 1889 to 1891, are hereby also repealed. Provided that all acts and things done previous to the passing of this Act by the Institute or by the Institute of 1882, or by the registrar under and in accordance with the provisions of the Register of Patent Agents Rules, 1889, and of the Register of Patent Agents Rules, 1889 to 1891, shall be deemed to have been legally done, and the said rules respectively shall be deemed to have been legally made.

SCHEDULES.

A.D. 1894.

FIRST SCHEDULE.

Section 11.

FORM OF REGISTER.

Name.	Address.	Date of First Registration.	Date of Registration in Current Register.

SECOND SCHEDULE.

Section 18.

PRELIMINARY EXAMINATIONS.

1. The Matriculation Examination at any University in England, Wales, Scotland, or Ireland.

2. The Oxford and Cambridge Middle Class Senior Local Examinations.

3. The first public examination before Moderators at Oxford.

4. The previous examination at Cambridge.

5. The examination in Arts for the second year at Durham.

6. The examination for first-class certificate of the College of Preceptors.

7. The examination resulting in the obtaining of a Whitworth Scholarship.

THIRD SCHEDULE.

Section 27 (2).

CONSTITUTION OF THE COMMITTEE OF ELECTION.

(1.) *Members who are patent agents :*

(i.) One registered patent agent who has been in practice for at least five years, but is not a fellow of the Institute, to be nominated by the Comptroller General.

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(ii.) One fellow of the Institute to be nominated by the Institute.

(2.) *Members who are not patent agents.*

(i.) One barrister-at-law to be nominated by the Lord Chancellor.

(ii.) One member to be nominated by the Lord Advocate.

(iii.) One member to be nominated by the Council of the Institution of Civil Engineers.

Patent Agents Registration.

A

B I L L

To provide for the Registration of Patent Agents.

(Prepared and brought in by Mr. Warmington, Mr. David Thomas, and Mr. Byrne.)

Ordered, by The House of Commons, *to be Printed,* 3 *April* 1894.

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[Bill 143.] [*Price 2d.*]

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Provide for the Registration of Patent Agents. A.D. 1894.

WHEREAS it is expedient to amend the law relating to the registration of patent agents, and to make further provision with reference to persons practising as patent agents:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Patent Agents Act, 1894, and this Act and the Patents, Designs, and Trade Marks Acts, 1883 to 1888, may be cited collectively as the Patents, Designs, and Trade Marks Acts, 1883 to 1894.

Interpretation.

2. In this Act—

"The Act of 1888" means the Patents, Designs, and Trade Marks Act, 1888.

"The Institute" means the Chartered Institute of Patent Agents, incorporated by Royal Charter on the eleventh day of August one thousand eight hundred and ninety-one.

"The Council of the Institute" means the Council of the Institute as defined by the Charter.

"The Statutory Committee" means the Statutory Committee of Patent Agents herein-after mentioned.

"The Charter" means the said Royal Charter.

"The registrar" means the person for the time being holding the office of Registrar of Patent Agents.

"The existing register" means and includes any register or registers of patent agents kept by the Institute in

A.D. 1894.

accordance with section one of the Act of 1888 and the Register of Patent Agents Rules, 1889 to 1891.

"The register" or "the current register" means the annual register of patent agents for the current year, kept under this Act.

"Registered patent agent" means, until the thirty-first day of December one thousand eight hundred and ninety-four, any person who is for the time being on the existing register; and on and after the first day of January one thousand eight hundred and ninety-five, any person who for the time being is on the register.

"The Comptroller General" means the Comptroller General of Patents, Designs, and Trade Marks for the time being, or the officer for the time being authorised to discharge the duties of the Comptroller General, in accordance with the Patents, Designs, and Trade Marks Acts, 1883 to 1888, or any amending Acts.

"The Court" means the High Court in England.

The Statutory Committee.

Statutory Committee.

3.—(1.) There shall be a committee, to be called the Statutory Committee of Patent Agents, partly nominated by the Institute and partly elected by registered patent agents who are not members of the Institute.

(2.) The persons to be nominated by the Institute shall be in proportion to the number of registered patent agents who are members of the Institute, and the persons to be elected shall be in proportion to the number of registered patent agents who are not members of the Institute.

(3.) The Board of Trade shall make, and may from time to time alter, rules fixing the exact number of nominated and the exact number of elected members of the Statutory Committee, and providing for their nomination and election.

(4.) The Statutory Committee, in addition to the powers and duties conferred and imposed by this Act, may discharge such duties of the Board of Trade under section one of the Act of one thousand eight hundred and eighty-eight as the Board of Trade shall delegate to such Committee; and the Board of Trade shall have power so to delegate any of such powers and duties.

Future transfer of powers of Statutory

(5.) When and so soon as the Institute shall include two thirds of the number of registered patent agents, then it shall be lawful for the Board of Trade to issue a certificate to that effect, and

thereupon the rights hereby conferred and the duties hereby imposed upon the Statutory Committee shall be enjoyed and discharged by the Council of the Institute, and the provisions of this Act with regard to the Statutory Committee shall apply (so far as they are applicable) to the Council of the Institute.

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Committee to Council by Institute.

Registration.

4. If any person other than a registered patent agent takes or uses, whether by description on his place of business or elsewhere, or by advertisement, or in or on any paper or document or otherwise, and whether in his own or any other name, the title of patent agent or agent for obtaining patents, or patent registration agent, or patent attorney, or inventor's agent, or any other name, title, addition, or description, stating or implying that he is a patent agent, or uses on his place of business or elsewhere the words patent office, office for patents, patent agency, or any other words implying in any way that he acts or practises in any part of the United Kingdom as an agent for obtaining patents, he shall be liable for each offence to a fine not exceeding twenty pounds.

Penalty on unregistered persons using the title of "patent agent, &c."

5. A prosecution for any of the offences in this Act mentioned shall not be instituted by a private person without the consent of the Statutory Committee, but may be instituted by the registrar under the direction of the Statutory Committee.

Institution of prosecutions.

6.—(1.) Every person who—

(*a*) has been previously registered under this Act or the Act of 1888; or

(*b*) proves to the satisfaction of the Board of Trade that during one year prior to the passing of this Act he had been bonâ fide practising as a patent agent; or

(*c*) has passed the prescribed examination; or

(*d*) proves to the satisfaction of the Board of Trade that he has been engaged for at least five years before the passing of this Act as a salaried managing clerk, or assistant to a patent agent, and has not followed any other trade, business, or occupation; or

(*e*) is considered by the Board of Trade to have a good claim to be entered on the register and shall produce a certificate to that effect signed by a secretary or assistant secretary of the Board of Trade;

shall, subject to the provisions of this Act, be entitled to be registered under this Act.

Qualification necessary for registration.

A.D. 1894.

(2.) No person shall be entitled to be registered under sub-section three of section one of the Act of 1888, or under sub-sections (*b*) or (*d*) of this section after the thirty-first day of December one thousand eight hundred and ninety-five.

Registration of qualified persons.

7.—(1.) Every person who is qualified as in the last section mentioned may apply to the registrar to be registered under this Act.

(2.) Unless cause to the contrary is shown to the satisfaction of the registrar, it shall be his duty, subject to the provisions of this Act, to enter the name of the applicant in the register.

(3.) The annual fee for registration shall be one pound, and the registrar shall not enter in the register for any year the name of any person until after he shall have paid the registration fee of one pound in respect of such entry for that year.

Refusal of registrar to register.

8. The registrar may refuse to register any person in respect of whom it is proved to the satisfaction of the registrar—

(*a*) that he has at any time, either in Her Majesty's dominions or elsewhere—

(i) been convicted of an offence which, if committed in England, would be a felony or misdemeanor; or

(ii) been guilty of disgraceful conduct, rendering him unfit to be a member of a profession recognised by law; or

(*b*) that he is an undischarged bankrupt; or

(*c*) that he does not reside or carry on business in the United Kingdom.

Appeal from registrar to Statutory Committee and therefrom to Court.

9.—(1.) If the registrar refuses to register the name of any person applying to be registered, the applicant shall be entitled to appeal to the Statutory Committee.

(2.) If the Statutory Committee, after hearing the applicant, shall affirm the decision of the registrar, the applicant may appeal to the Court, who may affirm the decision of the registrar or may direct the registrar to enter the name of the applicant on the register on such terms and conditions (if any) as to the Court may seem fit.

Contents and form of register and other provisions as to register.

10.—(1.) After the thirty-first day of December one thousand eight hundred and ninety-four there shall be kept by the registrar a separate register for each year commencing with the first day of January and ending with the thirty-first day of December of such year, and such register shall be the only register so far as regards that year.

(2.) The register shall contain in one alphabetical list the names of all registered patent agents made out alphabetically according to

the surnames of such registered persons, and shall state the full name and address of each registered person, the date of his first registration as a patent agent, and the date of the insertion of his name on the current register. The register shall be in the form in the schedule to this Act, with such variations as may be required.

(3.) The register shall be kept at such place and shall be open to inspection at such times as the Board of Trade shall direct.

(4.) Not later than in the month of February in each year, and at such other times as the Statutory Committee may think desirable, the Statutory Committee shall cause copies of the register to be printed under their direction and placed on sale.

(5.) A copy of the register purporting to be so printed and published shall be evidence of all matters stated therein, and the absence of the name of any person from the register shall be evidence, until the contrary is proved, that such person is not a registered patent agent: Provided that in the case of any person whose name does not appear in such copy a certified copy under the hand of the registrar of the entry of the name of such person in the register shall be evidence that such person is registered as a patent agent.

Alterations in register.

11.—(1.) The registrar may from time to time insert in the register any alteration which may come to his knowledge in the name or address of any person registered.

Removal of name from register on request or death.

(2.) The registrar, on the request in writing of any person whose name is on the register, may remove such name therefrom and on being satisfied of the death of any person on the register shall remove his name from the register.

Discipline.

12.—(1.) Any application to remove the name of a registered patent agent from the register on account of misconduct or upon grounds which would have justified the registrar in refusing to register him, or any application to require a registered patent agent to answer allegations with regard to his conduct as a patent agent, such allegations being contained in an affidavit, shall be heard in the first instance by the Statutory Committee.

(2.) No application shall be heard before less than three members of the Statutory Committee.

Proceedings of Statutory Committee.

13.—(1.) An application to remove the name of a registered patent agent from the register or an application to require a registered patent agent to answer allegations contained in an affidavit, shall be made to, and shall be heard by the Statutory Committee, in accordance with rules to be made under the authority of this Act.

A.D. 1894.

(2.) The Statutory Committee, after hearing the case, shall embody their finding in the form of a report to the Court.

(3.) If the Statutory Committee are of opinion that there is no primâ facie case of misconduct against the registered patent agent, the Institute need not take any further proceedings, but if the committee are of opinion that there is a primâ facie case, it shall be the duty of the Committee to bring their report before the Court.

(4.) The report shall have the same effect, and be treated by the Court in the same manner, as a report to the Court as to the conduct of a solicitor; and the Court may make such order thereon as to the Court may seem meet.

(5.) The Statutory Committee may administer oaths and take affirmations for the purposes of any such application.

Power of Court to order removal and restoration of name to register.

14. The Court shall have power, on the report from the Statutory Committee, to direct the removal from the register of the name of any registered patent agent, and where the Court directs such removal the name ordered to be removed shall not again be entered on the register except by order of the Court. The Court may order the restoration of such name to the register at any time.

Examinations.

Examinations.

15. The Statutory Committee shall hold in every year such an examination or such examinations of persons desirous to practise as patent agents (and not otherwise entitled to be entered on the register) as the Board of Trade may prescribe, and shall, subject to rules to be made by the Board of Trade, have the entire management and control of all such examinations, and may from time to time make regulations with respect to all or any of the following matters, that is to say—

(*a.*) The subjects for and the mode of conducting the examination of candidates;

(*b.*) The times and places of the examinations, and the notices to be given of the examinations;

(*c.*) The certificates to be given to persons of their having passed the examinations;

(*d.*) The appointment and removal of examiners, and the remuneration by fees or otherwise of the examiners so appointed; and

(*e.*) Any other matter or thing as to which the Statutory Committee may think it necessary to make regulations for the purposes of this section.

16. A candidate for examination shall at the time of entering his name as such candidate pay to the Statutory Committee such fee as the Board of Trade may from time to time prescribe. Fees for examinations.

Board of Trade Rules.

17. The Registration of Patent Agents Rules, 1889 to 1891, are hereby cancelled. The Board of Trade shall make rules to give effect to section one of the Act of 1888 and to this Act, and may from time to time make such further or other rules as the Board of Trade may deem necessary to carry out the purposes of the said Acts. The provisions of section one hundred and one of the Patents, Designs, and Trade Marks Act, 1883, shall apply to all rules so made as if they were made in pursuance of that section. Cancellation of existing Board of Trade rules.

Patent Agents Charges.

18. All fees and charges made by any patent agent for business done by him for any person in respect of any patent, or any application for, or any opposition to the grant of letters patent shall be subject to taxation by an officer for that purpose nominated by the Board of Trade, and the said Board shall have power to make rules as to how and subject to what condition such taxation shall be had. Taxation of patent agents charges.

Supplemental.

19.—(1.) The Statutory Committee shall from time to time appoint and may remove the registrar, who shall, subject to the provisions of this Act, discharge his duties under the directions of the Statutory Committee. Appointment and duties of registrar.

(2.) The registrar shall act as secretary and treasurer to the Statutory Committee.

20. All moneys arising from annual registration fees, or from examination fees, or from the sale of copies of the register, or otherwise, received by the Statutory Committee under this Act, shall be applied in paying the salary of the registrar and the expenses of keeping the register; also in paying the expenses of the examinations, and all other expenses incurred by the Committee with the consent of the Board of Trade; and any balance there may be shall from time to time be paid over to Her Majesty's Treasury. The accounts of the Committee shall be audited annually in such manner as may be prescribed by the Board of Trade. The balance of any fees arising from or in connexion with the register or the examinations under the registration of Patent Agents Rules, 1889 to 1891, Application of fees.

A.D. 1894.

now held by the Institute, shall, after discharging all outstanding liabilities, be paid to the Committee, to be used by them to defray expenses connected with the discharge of their duties, and the disposition of the money shall be subject to the audit aforesaid.

Penalty on wilful falsification of register.

21. If the registrar wilfully makes, or causes to be made, any falsification in any matter relating to the register of patent agents, he shall be deemed guilty of a misdemeanor, and shall be liable to be imprisoned, with or without hard labour, for any term not exceeding twelve months.

Penalty for obtaining registration by false representations.

22. Any person who wilfully procures or attempts to procure himself to be placed on the register by making or producing, or causing to be made or produced, any false or fraudulent declaration, certificate, or representation, either in writing or otherwise, and any person aiding and assisting him therein, shall be deemed guilty of a misdemeanor, and shall on conviction thereof be liable to be imprisoned, with or without hard labour, for any term not exceeding three months.

Recovery of penalties.

23. All penalties under this Act may be recovered summarily under the provisions of the Summary Jurisdiction Act.

Rules by Lord Chancellor.

24. The Lord Chancellor may make rules for regulating the making, hearing, and determining of—

(*a*) appeals to the Statutory Committee from the refusal of the registrar to register the name of an applicant, and appeals from the Statutory Committee to the Court where the said Committee affirm the registrar's decision.

(*b*) applications to the Statutory Committee in the exercise of its disciplinary jurisdiction.

(*c*) reports from the Statutory Committee and further proceedings thereon before the Court.

The Chartered Institute of Patent Agents.

Charter.

25. The Charter shall be in full force and virtue, except so far as the same is by this Act altered, or as the same is inconsistent with this Act, but not so as to prevent the making of any amendment thereof or addition thereto by any supplemental Royal Charter not being inconsistent with this Act.

Committee of election and admission of fellows.

26.—(1.) At any time within three years after the passing of this Act any registered patent agent, not being under the age of twenty-five years, may apply to the Institute to be admitted a fellow of the Institute without having to comply with the provisions of the Charter as respects proposal, recommendation, and

election by fellows of the Institute, but subject in all other respects to the provisions of the Charter. A.D. 1894.

(2.) Every application made by a registered patent agent under this section shall be referred by the Institute to a committee, in this Act called the committee of election, to consist of seven members, three of whom shall be, and three of whom shall not be, fellows or members of the Institute, and the remaining member shall be a barrister-at-law or solicitor not a member of the Institute. The three members of the Institute and the three non-members shall be nominated by the Comptroller General, and the barrister-at-law or solicitor shall be nominated by the Lord Chancellor.

(3.) The barrister-at-law or solicitor shall be chairman of the committee, and shall have a second or casting vote in case of equality of votes.

(4.) Any vacancy occurring in the committee of election shall be filled by the nomination of a new member, nominated in the same way as the member whose appointment has been vacated; any act done by the committee during any vacancy shall not be invalidated or affected thereby.

(5.) Three members of the committee of election, of whom the chairman shall be one, shall form a quorum.

(6.) There shall be paid out of the funds of the Institute to the members of the committee of election such remuneration, if any, as the Board of Trade may prescribe.

Proceedings of committee of election.

27.—(1.) The committee of election shall consider every application referred to them under this Act, with due regard to the objects of the Institute as set forth in the Charter, and shall hear the Institute, and the applicant if he so desires, and shall afterwards report to the Institute.

(2.) If the committee of election report that the applicant ought to be admitted a fellow of the Institute, the Institute shall cause to be addressed to the applicant a registered letter informing him of such report having been made. If within one month after the posting of the said letter the applicant pay to the secretary of the Institute the entrance fee and the annual subscription for the current year, payable by fellows under the provisions of the Charter and bye-laws, he shall thereupon be admitted a fellow of the Institute.

(3.) Notwithstanding anything in this Act contained, no person shall be entitled under this Act to admission to membership of the Institute if he shall neglect or fail to pay to the secretary of the Institute within the time prescribed by this section the amount of his entrance fee and annual subscription for the current year.

A.D. 1894.

(4.) Every person admitted a fellow of the Institute in accordance with the provisions of this Act shall in all other respects be bound by the provisions of the Charter and the byelaws from time to time made thereunder, and nothing in this Act contained shall be construed to entitle any person to continue a fellow of the Institute in contravention of the provisions of the Charter and the bye-laws.

Temporary Provision.

Existing register.

28.—(1.) The existing register shall be the register until the thirty-first day of December one thousand eight hundred and ninety-four, and the registrar shall have the custody thereof.

(2.) The provisions of this Act with regard to registration shall apply to the existing register, and no person's name shall be placed or continued on the existing register unless he has paid the registration fee in respect of the year one thousand eight hundred and ninety-four.

Exceptions.

Exceptions.

29. Nothing in this Act contained shall apply to solicitors of the Supreme Court in England and Wales, or to solicitors in Ireland, or to enrolled law agents in Scotland, or be construed to interfere with or prevent such solicitors or law agents from making or opposing any application, transacting any business or doing any act connected with or relating to patents, designs, or trade marks.

SCHEDULE.

Form of Register.

Section 11.

Name.	Address.	Date of First Registration.	Date of Registration in Current Register.

Patent Agents Registration.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To provide for the Registration of Patent Agents.

(*Prepared and brought in by Mr. Warmington, Mr. David Thomas, and Mr. Byrne.*)

Ordered, by The House of Commons, *to be Printed*, 25 *July* 1894.

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[Bill 334.]

A

B I L L

TO

Confirm a Provisional Order made by the Secretary for Scotland under the Burgh Police (Scotland) Act, 1892, relating to the Burgh of Peebles. A.D. 1894.

WHEREAS an Order made by the Secretary for Scotland under the Burgh Police (Scotland) Act, 1892, is not of any validity or force whatever until the confirmation thereof by Act of Parliament: 55 & 56 Vict. c. 55.

And whereas it is expedient that the Provisional Order made by the Secretary for Scotland under the said Act, and set out in the schedule to this Act, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The Provisional Order set out in the schedule to this Act shall be and the same is hereby confirmed, and all the provisions thereof in manner and form as they are set out in the said schedule shall, *from and after the passing of this Act*, have full validity and force. Confirmation of Order in schedule.

2. This Act may be cited as the Peebles Foot Pavements Provisional Order Confirmation Act, 1894. Short title.

A.D. 1894.

SCHEDULE.

PROVISIONAL ORDER by the RIGHT HONOURABLE HER MAJESTY'S SECRETARY FOR SCOTLAND in favour of the Provost, Magistrates, and Town Council of the Burgh of Peebles as Commissioners for said Burgh under the Burgh Police (Scotland) Act, 1892.

WHEREAS by the Burgh Police (Scotland) Act, 1892, it is provided (sections 45 and 46) that whenever it shall appear to the Commissioners of any burgh to which said Act applies that they require additional powers for the better carrying out of the purposes of the Act, and specially powers relating, inter alia, to the roads and streets, they may apply to the Secretary for Scotland for a Provisional Order; and that after such inquiry as the Secretary for Scotland may direct, it shall be lawful for him to issue a Provisional Order either in accordance with the prayer of the application, or with such modifications or alterations as may appear to him to be requisite:

And whereas the Provost, Magistrates, and Town Council of the Burgh of Peebles, as Commissioners for such Burgh, have presented a petition setting forth—

That section 142 of the Burgh Police (Scotland) Act, 1892, provides that—

"It shall be lawful for the Commissioners to resolve at a meeting specially "called for the purpose to undertake the maintenance and repair of all the "footways of the burgh. When the Commissioners shall undertake the "maintenance and repair of the foot pavements in the burgh, they shall call "upon all owners to have their foot pavements before their properties put in a "sufficient state of repair, and failing their doing so within six weeks, the "Commissioners may cause the same to be done at the expense of such owners, "and thereafter the said foot pavements shall be maintained by the Commissioners: Provided that nothing contained in this section shall apply to the "footways of private streets."

That section 360 further provides that—

"Whenever the Commissioners shall resolve, in manner herein-before provided "for, to undertake the maintenance and repair of the foot pavements in any "burgh, and after they have called upon all owners to have their foot pavements "before their properties put in a sufficient state of repair, the cost of such "maintenance and repair shall form part of the burgh general assessment, and "such assessment shall be recoverable in the same manner as the burgh general "assessment is authorised to be recovered."

That within the burgh of Peebles the footpaths have not been paved in a uniform manner, and that it is right and proper that the Commissioners should

have power to require uniform foot pavement to be laid down, and that it would save expense to the individual proprietors if the Commissioners could undertake to relay the foot pavements where defective, and to lay down foot pavement where none exists, in the said streets, and to assess the proprietors for the cost, in place of calling upon each individual proprietor to undertake such work.

And whereas due inquiry having been directed and held in respect of the matters mentioned in said petition, I have resolved to issue a Provisional Order in the terms herein-after expressed:

Now, therefore, in pursuance of the powers vested in me by the said Act, I the Right Honourable Sir George Otto Trevelyan, Her Majesty's Secretary for Scotland, do by this Provisional Order under my hand and seal direct as follows:—

(1.) The Commissioners of the burgh of Peebles, acting under the Burgh Police (Scotland) Act, 1892, are hereby authorised—

(*a.*) To execute the following works within the burgh of Peebles (in such manner and to such extent as to them may seem fit) during a period of five years from and after the date of the Act of Parliament confirming this order, viz., to relay the existing foot pavements in the public streets within the burgh, and to make or construct foot pavement where none exists in the said public streets.

(*b.*) To expend during the said period of five years a sum not exceeding 3,000*l.* on the said works, and to borrow from time to time during the said period whatever sum or sums may be required, not exceeding that amount, repayable within seven years from the date of each loan, on the security of the special assessment herein-after authorised to be levied.

(*c.*) To levy during a period not exceeding twelve years from the date of the Act of Parliament confirming this Order, a special assessment on all owners of lands or premises fronting or abutting on any public street within the burgh, to be applied in repayment of the sum or sums which the Commissioners may from time to time borrow or expend under this Order with interest on any loan. The assessment to be levied under this Order shall be leviable as follows, viz.:—

For repayment of any sums borrowed or expended during the first of the said five years by the Commissioners under this Order, with interest on any loan, the assessment shall be leviable during the seven years from the date when the first assessment imposed to meet the first year's borrowing or expenditure becomes due. For repayment of the sums borrowed or expended by the Commissioners under this Order during the second, third, fourth, and fifth years of the said period of five years respectively with interest on any loan, the assessment shall be leviable during seven years from the date when the first assessment imposed to meet the borrowing or expenditure of each of the said second, third, fourth, and fifth years respectively becomes due.

A.D. 1894.

(2.) The said special assessment shall be recoverable in the same manner as the burgh general assessment is authorised by the said Act to be recovered. All sums which may be expended by the Commissioners in maintaining the said foot pavements after they have been relaid or made or constructed under this Order, and all sums which they may expend after the said period of five years in relaying or making or constructing and maintaining foot pavements in public streets, shall be provided for out of the burgh general assessment.

(3.) In regard to the existing public streets within the burgh, this Order shall supersede the provisions of section 141 of the said Burgh Police Act, and also the provisions of section 142 of the said Act, in so far as the latter section requires the Commissioners to resolve at a meeting specially called for the purpose to undertake the maintenance and repair of all the footways of the burgh, and in so far as the said latter section gives the Commissioners power to call upon all owners to have their foot pavements before their properties put in a sufficient state of repair before being taken over by the Commissioners. But saving always the provisions of the said Act regarding private streets, and also in regard to streets to be formed after the date of the Act of Parliament confirming this Order, the provisions contained in section 141 of the said Act.

(4.) Where proprietors have already laid down concrete pavement in front of their properties in the public streets, the Commissioners shall be obliged to pay to such proprietors out of the loans raised or special assessment levied under this Order, within one year after the date of the Act of Parliament confirming this Order, the value thereof as the same may be fixed, if not otherwise agreed upon, by the valuation of an arbiter or arbiters to be appointed by the sheriff.

(5.) The following words and expressions used in this order, viz., "burgh," "Commissioners," "lands and premises," "owners," "private street," "sheriff," and "street," shall have the meanings assigned to them in section 4 of the said Act, and all other words and expressions used in this Order shall have the meaning which is assigned to them in the said section or elsewhere in the said Act.

L.S.

George Otto Trevelyan,
Her Majesty's Secretary for Scotland.

Scottish Office, Whitehall,
21st June 1894.

Peebles Foot Pavements Provisional Order.

A

B I L L

To confirm a Provisional Order made by the Secretary for Scotland under the Burgh Police (Scotland) Act, 1892, relating to the Burgh of Peebles.

(Prepared and brought in by Sir George Trevelyan and The Lord Advocate.)

Ordered, by The House of Commons, *to be Printed*, 3 *July* 1894.

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[Bill 304.]

A

B I L L

TO

Remove the Disabilities of Peers on succeeding to their Titles, in respect of sitting in the House of Commons. [A.D. 1894.

WHEREAS it is expedient to remove certain disqualifications attaching to persons succeeding to the Peerage and to make provision for enabling them to serve as Members of Parliament in the House of Commons:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Peers Disqualification Removal Act, 1894.

2. *From and after the passing of this Act* any person succeeding to a Peerage shall not thereby be disqualified from being elected to serve after any election, if he shall so think fit, or from serving or continuing to serve, if he shall so think fit, for any county or borough of the United Kingdom in the House of Commons of the United Kingdom, provided that any person so elected to serve or serving or continuing to serve shall during the continuance of any Parliament then summoned or being holden be disqualified from sitting or voting in the House of Lords or in any committee thereof, and shall not be entitled to claim any privileges in right of his Peerage, and further, if a Peer of Scotland (or Ireland), shall be disqualified from being elected to sit and vote in the House of Lords.

Penalty for disqualified person sitting in House of Lords.

3. If any person for the time being disqualified by this Act from sitting and voting in the House of Lords sits or votes or attempts to sit or vote in that House or in any committee thereof, he shall be guilty of a breach of privilege and be dealt with as the House of Lords may direct.

[Bill 77.]

A.D. 1894.

Person sitting in House of Lords disqualified from being elected to House of Commons.

4. Any person at any time sitting or voting in the House of Lords shall be thenceforth disqualified from being elected to serve or from serving or continuing to serve for any county or borough of the United Kingdom in the House of Commons of the United Kingdom.

No writ of summons to be issued to disqualified peers.

5. A writ of summons shall not be issued to any Peer for the time being disqualified from sitting or voting in the House of Lords.

Saving as to persons claiming peerage.

6. Nothing in this Act shall exclude any person from afterwards putting in a claim to any Peerage by reason of any ancestor having been rendered incapable for the time being of sitting and voting in the House of Lords under this Act or by reason of any other disability incurred by an ancestor under this Act.

Definitions.

7. The expressions "election," "county," and "borough," and other expressions in this Act, shall have the same meaning, so far as may be consistent with the tenor of this Act, as in the enactments for the time being in force in England, Scotland, and Ireland respectively, relating to the representation of the people.

Peers Disabilities Removal.

A

B I L L

To remove the Disabilities of Peers on succeeding to their Titles, in respect of sitting in the House of Commons.

(*Prepared and brought in by Mr. Brodrick, Mr. Curzon, and Viscount Wolmer.*)

Ordered, by The House of Commons, *to be Printed*, 16 *March* 1894.

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[Bill 77.]

Period of Qualification and Elections Bill.

ARRANGEMENT OF CLAUSES.

Period of Qualification.

Clause.

1. Alteration of period of qualification and consequential repeal of rating provisions.

Half-Yearly Registration.

2. Half-yearly registration.

Polls on One Day.

3. Elections to be on same day.

Plural Voting.

4. Voting in one constituency only.

Supplemental.

5. Definitions.
6. Application of Act to Scotland.
7. Application of Act to Ireland.
8. Short title and repeal.

SCHEDULES.

A

B I L L

TO

Reduce the Period of Qualification for Parliamentary and Local Government Electors, and to provide for the half-yearly Registration of such Electors, and to provide for taking the Polls at a Parliamentary General Election on one day, and to restrict Plural Voting at Parliamentary Elections, and for purposes consequential thereon. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Period of Qualification.

Alteration of period of qualification and consequential repeal of rating provisions.

1.—(1.) Every period of qualification for electors, whether parliamentary or local government electors, which is at the *passing of this Act* a period of twelve months or six months up to the fifteenth day of July, whether inclusive of that day or not, shall be a period of *three* months ending on and including the *twenty-fourth day of June;* and every period or date connected with such qualification which is at the passing of this Act computed or reckoned with reference to the last day of July or the fifteenth day of July, shall be computed or reckoned with reference to the *twenty-fourth day of June*:

Provided that the Acts specified in the First Schedule to this Act, which make special provision in favour of a person who permits his qualifying premises to be occupied as a furnished house or who is absent in the performance of any duty, shall not apply with reference to the reduced period of qualification enacted by this section, but where a person by virtue of those Acts would, if the

A.D. 1894.

foregoing provisions of this section had not been enacted, have been qualified to be registered as an elector, he may be so registered, except that his period of qualification shall end on and include the *twenty-fourth day of June*, and if he is so registered the person occupying the qualifying premises as a furnished house shall not be registered in respect thereof.

(2.) So much of any Act as requires that any person or premises shall be rated, or the name of any person shall be inserted in the rate book, or any assessed taxes or poor or other rate shall be paid for the purpose of entitling a person to be a parliamentary or local government elector shall be repealed.

Half-Yearly Registration.

Half-yearly registration.

2.—(1.) The parliamentary register of electors which comes into force on the first day of January in each year, shall be in force until the *last day of June* inclusive.

(2.) A second parliamentary register shall be made in every year, which shall come into force on the *first day of July*, and be in force until the *last day of December* inclusive, and for that purpose the Registration Acts as amended by this Act and all other enactments relating to the qualification and registration of electors shall apply to the second register in like manner as to the register made under the existing law and in particular shall be construed as if the period of qualification ended on the *twenty-fifth day of December*, and as if the other dates were altered accordingly; and an Order in Council under section seventy-six of the Local Government Act, 1888, may declare in accordance with this section, the dates required to be observed for the purpose of the second register;

51 & 52 Vict. c. 41.

Provided that for the purpose of such second register the name of every person on any list of lodgers in the register which came into force on the previous first day of January shall be inserted by the overseers in the list of lodgers without any claim on the part of such person, unless the overseers know that he is dead or has ceased to be qualified.

(3.) This section shall apply with the corresponding substitution of dates, to the local government register of electors when made out and revised together with the parliamentary register.

(4.) The term of office of revising barristers appointed on the summer circuit in any year shall continue until the completion of the revision of the second register. They shall be entitled to the remuneration fixed by the Registration Acts; and any increase of work which appears to Her Majesty in Council to be caused by the second register shall be provided for by an increase of the number of revising barristers.

A.D. 1894.

(5.) The printing by the overseers of all the lists of voters and of claims and objections, whether under this section or otherwise, shall be under the direction of the clerk of the county council or town clerk, to whom those lists will be transmitted by the revising barrister after revision, and the expenses of such printing shall form part of the expenses of the said clerk under the Registration Acts.

Polls on One Day.

Elections to be on same day.

3. Whenever Her Majesty the Queen issues a proclamation summoning a new Parliament the following provisions shall apply with respect to the day of the general election of members to serve in that Parliament, and the day of the poll at such election :—

(*a.*) The day of the poll shall (except in the universities), be the same day in every constituency;

(*b.*) The day of the poll shall be the second or third Saturday after the proclamation, according as is fixed by the proclamation, but shall not be less than *eight* nor more than *thirteen* clear days after the issue of the writs, and every writ for the election shall command the returning officer in the event of a poll to take it on the day so fixed, and for that purpose the addition set out in the Second Schedule to this Act shall be made to the form of the writ.

(*c.*) The day of election shall be such day as may be fixed by the returning officer, not being less than *three* clear days before the day of the poll, and than *two* clear days after the day on which public notice of the election is given under the Ballot Act, 1872. 35 & 36 Vict. c. 33.

(*d.*) The said public notice shall be given by the returning officer on the day on which he receives the writ or official telegraphic information of the writ having been issued, or on the following day; and the returning officer on receiving such official telegraphic information shall proceed as if he had actually received the writ.

(*e.*) So much of rules one, two, and fourteen of the First Schedule to the Ballot Act, 1872, as are inconsistent with this section shall not apply. 35 & 36 Vict. c. 33.

(*f.*) The time appointed for the meeting of the Parliament may be any time not less than *twenty* clear days after the proclamation.

(*g.*) For the purposes of this section, time shall be reckoned in the same manner as for the purposes of the Ballot Act, 1872.

A.D. 1894.

Plural Voting.

Voting in one constituency only.

4.—(1.) Where a parliamentary elector votes at a parliamentary election in one constituency, he shall not, while the then current parliamentary register of electors is in force, vote at a parliamentary election in any other constituency.

(2.) If a person at a parliamentary election either votes or applies for a ballot paper in a constituency in which he is not under this section entitled to vote, he shall be guilty of an illegal practice within the meaning of the Corrupt and Illegal Practices Prevention Act, 1883.

46 & 47 Vict. c. 51.

(3.) The question in the Second Schedule to this Act may be asked of a person at a poll at a parliamentary election in addition to those authorised already to be asked, and unless the answer is in the negative, the person shall not vote, and in the case of an university election, the declaration in the said schedule shall be added to the voting paper.

6 & 7 Vict. c. 18.

(4.) Section eighty-one of the Parliamentary Registration Act, 1843, and the enactments amending the same, shall apply as if the said question were contained in that section, and the said section and enactments shall, with the necessary modifications, extend to university elections, and further, if a voter gives a false answer to any such question he shall be guilty of an illegal practice within the meaning of the Corrupt and Illegal Practices Prevention Act, 1883.

46 & 47 Vict. c. 51.

(5.) The paragraph in the Second Schedule to this Act shall be added at the end of the forms of notice of parliamentary election, and of directions for the guidance of the voter set forth in the Second Schedule to the Ballot Act, 1872.

35 & 36 Vict. c. 33.

Supplemental.

Definitions.

5. In this Act, unless the context otherwise requires—

The expression "period of qualification" shall include any period affecting the qualification of an elector, whether the period of occupation, residence, possession, receipt of rents and profits, or of non-receipt of parochial relief or other alms, or otherwise.

The expression "parliamentary elector" means a person entitled to be registered as a voter at the election of a member to serve in Parliament.

The expression "local government elector" means a county elector and a burgess.

The expression "constituency" means any county, borough, or combination of places, or university, returning a member

to serve in Parliament, and where a county or borough is divided for the purpose of parliamentary elections, means a division of the county or borough so divided.

The expression "Registration Acts" means the Registration of Electors Acts 1843 to 1891. 6 & 7 Vict. c. 18. 54 & 55 Vict. c. 18.

Application of Act to Scotland.

6.—(1.) This Act shall apply to Scotland with the following modifications:—

(*a.*) The period of qualification shall end on the *third day of September*, and the sections of this Act shall apply as if the *last day of July* were substituted for the fifteenth day of July;

(*b.*) The dates in the third column of the Third Schedule to this Act shall, in the Acts relating to the registration of voters, be substituted for the dates opposite thereto in the second column of that schedule;

(*c.*) In the enactments respecting the second register, *November* shall be substituted for January, *April* for June, *May* for July, the *last day of October* for the last day of December, and the *third day of March* for the twenty-fifth day of December;

(*d.*) The provisions of this Act respecting revising barristers and the printing by overseers of lists of voters shall not apply, and the assessors shall have and exercise for the purpose of the second register all the powers which they have under the Lands Valuation (Scotland) Act, 1854, or otherwise for the purpose of the register made under the existing law; 17 & 18 Vict. c. 91.

(*e.*) The Secretary for Scotland may issue instructions for declaring in accordance with this Act the dates required to be observed for the purpose of the second register, and otherwise for carrying into effect the provisions of this Act with respect to that register.

(*f.*) Section three of the Parliamentary Elections and Corrupt Practices Act 1880, shall be substituted for section eighty-one of the Parliamentary Registration Act, 1843. 43 Vict. c. 18. 6 & 7 Vict. c. 18.

(*g.*) The expression "local government elector" means a person entitled to vote at a county council election or at an election of magistrates and town council or of police commissioners in a burgh whether a royal, parliamentary, or police burgh; the expression "overseers" means the assessor as defined in the Registration Acts; and the expression "Registration Acts" means the enactments relating to the registration of

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persons entitled to vote at parliamentary, municipal, and county council elections; the expression "rate book" means the Valuation Roll.

Application of Act to Ireland.

7. This Act shall apply to Ireland with the following modifications:—

(*a*) The expression "local government elector" means a burgess and a person entitled to vote at an election of any town commissioners.

(*b*) The period of qualification for parliamentary electors shall end on the *twenty-fourth day of June*, and the sections of this Act shall apply as if the *twentieth day of July* were substituted for the fifteenth day of July.

(*c*) The period of qualification for local government electors shall end on the day on which at the *passing of this Act* the period of qualification of such electors ends, and the sections of this Act shall apply as if that day were substituted for the fifteenth day of July.

(*d*) The Lord Lieutenant may, by Order in Council, issue instructions for declaring the dates required to be observed for the purpose of the second register, and otherwise for carrying into effect the provisions of this Act with respect to that register.

49 & 50 Vict. c. 43.

(*e*) The Revising Barristers (Ireland) Act, 1886, shall apply for the purposes of the second register in like manner as it applies for the purposes of the register which comes into force on the first day of January.

13 & 14 Vict. c. 69.

6 & 7 Vict. c. 18.

(*f*) Section eighty-eight of the Representation of the People (Ireland) Act, 1850, shall be substituted for section eighty-one of the Parliamentary Registration Act, 1843.

(*g*) The expression "Registration Acts" means the Acts relating to the registration of parliamentary voters in Ireland.

(*h*) The expression "overseers" means clerk of the union, and the expression "clerk of the county council" means clerk of the peace of the county.

Short title and repeal.

8.—(1.) This Act may be cited as the Period of Qualification and Elections Act, 1894.

(2.) The Acts specified in the Fourth Schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned, and so much of any Local and Personal Act as is inconsistent with this Act is hereby repealed.

SCHEDULES.

FIRST SCHEDULE.

Acts referred to.

Session and Chapter.	Short Title.
41 & 42 Vict. c. 3.	The House Occupiers Disqualification Removal Act, 1878.
41 & 42 Vict. c. 5.	The House Occupiers Disqualification Removal (Scotland) Act, 1878.
54 & 55 Vict. c. 11.	The Electoral Disabilities Removal Act, 1891.

SECOND SCHEDULE.

Additional Question at Poll.

The additional question asked shall be—

Have you, since the day of [*here specify the day on which the current parliamentary register of electors came into operation*] voted at a parliamentary election other than an election for this constituency?

Addition to Voting Paper under the University Elections Act, 1861.

In a voting paper at a university election there shall be inserted after the words "I declare that" the words "I have not, since the month of "December last [*if the election is held between the last day of June and "the first day of the following January substitute 'June' for 'December'*] "voted at a parliamentary election other than an election for this university, "and." 24 & 25 Vict. c. 53.

Addition to the Form of Notice of Parliamentary Election and to the Form of Directions for the Guidance of the Voters in voting set forth in the Second Schedule to the Ballot Act, 1872.

And further take notice that if a person votes or applies for a ballot paper in more than one constituency, or in a different constituency from that (if any) in which he has voted since the day of [*here specify date at which the current parliamentary register of electors came into operation*], he will be guilty of an illegal practice, and be liable to the penalties in that behalf mentioned in the Corrupt and Illegal Practices Prevention Act, 1883.

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ADDITION TO THE FORM OF WRIT FOR A COUNTY OR BOROUGH AT A PARLIAMENTARY GENERAL ELECTION.

There shall be added (for the purpose of a parliamentary general election) to the form of writ for a county or borough at a parliamentary election set out in the Second Schedule to the Ballot Act 1872 before the words "and that you do cause" the words "and that, in the event of a poll, you do cause the poll to be taken on the second [illegible] Saturday after the date of this writ."

Endorsement.

[illegible] to the endorsement:

[illegible]

Signed *A.B.*

Sheriff [or as the case may be].

THIRD SCHEDULE.

DATES IN SCOTLAND.

	Old Date.	New Date.
List of voters to be prepared, published, and advertised.	On or before 15th September.	On or before [illegible] *September*.
List of voters to be [illegible]	From [illegible] 25th September (both inclusive).	From [illegible] *September* (both inclusive).
List of claims and objections to be prepared, published, and advertised.	On or before 25th September.	On or before [illegible] *September*.

FOURTH SCHEDULE.

I. GENERAL ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
2 & 3 Will. 4. c. 45	The Representation of the People Act, 1832.	Section twenty-seven from "nor unless" where it first occurs to "next preceding." Section twenty-eight from "such person having paid" to the end of the section. Section thirty.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
6 & 7 Vict. c. 18. -	The Parliamentary Voters Registration Act, 1843.	Sections eleven, twelve and seventy-five.
11 & 12 Vict. c. 90. -	An Act to regulate the times of payment of rates and taxes by parliamentary electors.	The whole Act.
14 & 15 Vict. c. 14. -	The Compound Householders Act, 1851.	The whole Act.
15 & 16 Vict. c. 23. -	An Act to shorten the time required for assembling Parliament after a dissolution thereof.	The whole Act.
30 & 31 Vict. c. 102. -	The Representation of the People Act, 1867.	Section three from "and has during the time" down to "the fifth day of January" being paragraphs 3 and 4; section six from "and has during the time" to the end of the section being paragraphs 3 and 4; sections twenty-eight, twenty nine, and section forty-nine.
31 & 32 Vict. c. 58. -	The Parliamentary Electors Registration Act, 1868.	Section thirty.
32 & 33 Vict. c. 41. -	The Poor Rate Assessment and Collection Act, 1869.	Section ten.
41 & 42 Vict. 26. -	The Parliamentary and Municipal Registration Act, 1878.	Sections seven and ten.
45 & 46 Vict. c. 50 -	The Municipal Corporations Act, 1882.	Section nine from "and has been rated" to "fifth of January," being paragraphs (*d*) and (*e*) of sub-section two.
51 & 52 Vict. c. 10. -	The County Electors Act, 1888 -	Schedule from "and such person" to "twentieth day of July" being paragraphs (*c*) and (*d*).

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II. SCOTTISH ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
2 & 3 Will. 4. c. 65. -	The Representation of the People (Scotland) Act, 1832.	Section eleven from "provided always" to "then next preceding."
8 & 9 Vict. c. 83. -	Poor Law (Scotland) Act, 1845 -	Section nineteen from "provided always" to "so voting."
31 & 32 Vict. c. 48. -	The Representation of the People (Scotland) Act, 1868.	Section three from "who at any time" to "day of May, or;" Section six from "who at any time" to "day of May, or;" Sections seventeen and eighteen; Section nineteen, paragraph 2, from "who have been" where it first occurs to "day of May, or;" Section forty-nine; Schedule (C.); and Schedule (D.) from "have been exempted" to "day of May; or;" and the words "state whether 'Exempted,' 'Failed to pay,' or 'In receipt of relief.'"
52 & 53 Vict. c. 50. -	Local Government (Scotland) Act, 1889.	Section twenty-eight from "As affecting" to "collector of poor rate" being paragraphs (*a*) and (*b*) of subsection (1); from "in respect" to "rates or" occurring in paragraph (*c*) of subsection (1); from "The provisions" to "eighty-nine," being paragraph (*f*) of subsection (1); and from "As affecting" to "eighty-nine" being paragraphs (*k*), (*l*), and (*m*) of subsection (2).
55 & 56 Vict. c. 55. -	Burgh Police (Scotland) Act, 1892	Section thirty-one from "provided always" to "burgh assessment."

III. Irish Enactments Repealed.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
3 & 4 Vict. c. 108. -	The Municipal Corporations (Ireland) Act 1840.	Section thirty from "Provided always" where it first occurs to "before such last "day of August;" section thirty-three.
12 & 13 Vict. c. 85. -	An Act to amend an Act for the Regulation of Municipal Corporations in Ireland so far as relates to the Borough of Dublin.	Section three from "Provided always" to "said last day of "August" where it first occurs; sections five and six.
13 & 14 Vict. c. 69. -	The Representation of the People (Ireland) Act, 1850.	Section one from "and shall on" to the end of the section; section five from "and shall on" to the end of the section.
17 & 18 Vict. c. 103. -	The Towns Improvement (Ireland) Act, 1854.	Section twenty-two from "and shall have been" to "at such election."

Period of Qualification and Elections.

A

B I L L

To reduce the Period of Qualification for Parliamentary and Local Government Electors, and to provide for the half-yearly Registration of such Electors, and to provide for taking the Polls at a Parliamentary General Election on one day, and to restrict Plural Voting at Parliamentary Elections, and for purposes consequential thereon.

(*Prepared and brought in by Mr. John Morley, Mr. Chancellor of the Exchequer, Mr. Shaw Lefevre, and Mr. Dyke Acland.*)

Ordered, by The House of Commons, *to be Printed*, 13 *April* 1894.

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[Bill 161.]

A

B I L L

TO

Confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Bangor, Dartmouth, Littlehampton, and Seaford. A.D. 1894.

WHEREAS a Provisional Order made by the Board of Trade under the General Pier and Harbour Act, 1861, is not of any validity or force whatever until the confirmation thereof by Act of Parliament: 24 & 25 Vict. c. 45.

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the said Act, and set out in the schedule to this Act, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Confirmation of Orders in schedule.

1. The several Orders set out in the schedule to this Act shall be and the same are hereby confirmed, and all the provisions thereof in manner and form as they are set out in the said schedule shall, from and after the *passing of this Act*, have full validity and force.

Special provisions as to houses of labouring class.

2. The undertakers mentioned in the said Orders shall not, under the powers of this Act or of the said Orders, purchase or acquire in any city, borough, or other urban sanitary district, or in any parish or part of a parish not being within an urban sanitary district in England, ten or more houses which after the *passing of this Act* have been or on the *fifteenth day of December* last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers:

A.D. 1894.

For the purposes of this section the expression "labouring class" includes mechanics, artizans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others except members of their own family, and persons, other than domestic servants, whose income does not exceed an average of thirty shillings a week, and the families of any of such persons who may be residing with them.

Short title.

3. This Act may be cited as the Pier and Harbour Orders Confirmation (No. 1) Act, 1894.

THE SCHEDULE OF ORDERS.

1. Bangor.—Extension of time for construction of works under Order of 1891.
2. Dartmouth.—Additional borrowing powers for harbour purposes, and regulation of steam whistles.
3. Littlehampton.—Construction of pier.
4. Seaford.—Construction of pier.

BANGOR.

A.D. 1894.

Bangor.

Order for reviving the Powers and extending the Time for the Construction of the Pier and Works authorised by the Bangor Harbour Order, 1891.

Short title.

1. The Bangor Harbour Order, 1863, confirmed by the Pier and Harbour Orders Confirmation Act, 1863 (in this Order called "the Order of 1863"), as amended by the Bangor Harbour Order, 1891, confirmed by the Pier and Harbour Orders Confirmation (No. 2) Act, 1891 (in this Order called "the Order of 1891"), and the Order of 1891, as amended by this Order, and this Order shall be read and construed together as one Order, and this Order may be cited as the Bangor Harbour Order, 1894, and the Order of 1863, the Order of 1891, and this Order may be cited as the Bangor Harbour Orders, 1863 to 1894.

Undertakers.

2. Robert Edward Ward, and his heirs and assigns and successors in title, owners of the harbour of Bangor for the time being, shall be the Undertakers for carrying this Order into execution, and shall have and may exercise the powers and privileges conferred by the Orders of 1863 and 1891 and by this Order.

Powers revived and time for exercise of powers extended.

3. The powers by the Order of 1891 given for commencing and executing the pier and works authorised by that Order, or otherwise in relation thereto, are by this Order revived, and the time for completion of the pier and works is, by this Order, extended for a period of five years from the date of the passing of the Act confirming this Order, and as if the pier and works had been authorised by this Order; and the period of two years mentioned in Section 41 of the Order of 1891 (Cessor of powers to construct works in case of default) is, by this Order, extended for a period of two years from the date of the passing of the Act confirming this Order, and the Order of 1891 and this Order shall be read and have effect accordingly.

As to Harbours, Docks, &c., Act, 1847.

4. The Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order, except so far as the same Act is incorporated with and varied by the Orders of 1863 and 1891.

Costs of Order.

5. All costs, charges, and expenses of or incident to preparing and obtaining this Order, or otherwise incurred in relation thereto, shall be paid by the Undertakers.

DARTMOUTH.

Dartmouth.

Order for authorising the Dartmouth Harbour Commissioners to borrow further Moneys; and for other purposes.

Short title.

1. This Order may be cited as the Dartmouth Harbour Order, 1894, and this Order and the Dartmouth Harbour Orders, 1863 and 1870 (in this Order called the said Orders), as amended by the Dartmouth Harbour Improvement Act,

A.D. 1894.

Dartmouth.

1882 (in this Order called the Improvement Act), and the Improvement Act shall be read and construed together as one Act or Order.

Undertakers.

2. The Dartmouth Harbour Commissioners (in this Order called the Commissioners) shall be the Undertakers for carrying this Order into execution.

Power to borrow.

3. The Commissioners, for the purpose of satisfying and paying their debts, and consolidating the bonds, mortgages, and other securities charged upon their Undertaking, or the revenues thereof, may from time to time, as in this Order provided, borrow at interest on bond, or on mortgage of the rates, dues, tolls, and charges by the said Orders and the Improvement Act authorised to be levied, and of the other revenues of their undertaking, but subject to the rights of all holders of bonds, mortgages, or other securities issued by the Commissioners before the passing of the Act confirming this Order, under the provisions of the said Orders and the Improvement Act, or under the Harbours and Passing Tolls, &c. Act, 1861, a sum or sums not exceeding in the whole thirty-five thousand pounds, and Sections 42 to 47 of the Improvement Act shall apply to the bonds or mortgages issued under this Order and to the moneys so borrowed as if the same had been moneys authorised to be borrowed under that Act: Provided always that the power of borrowing hereby granted shall not be deemed to be in addition to the existing powers of the Commissioners under the said Orders and the Improvement Act, but in substitution for and extinguishment of the said powers (whether exercised or unexercised), except as to the moneys borrowed by the Commissioners from the Public Works Loan Commissioners; and from and after the passing of the Act confirming this Order the amount of money which the Commissioners shall be from time to time entitled to borrow under the said Orders and the Improvement Act and this Order shall not exceed thirty-five thousand pounds in addition to the moneys for the time being owing in respect of the loans from the Public Works Loan Commissioners: Provided also that the extinguishment of the said powers shall not, nor shall anything in this Order contained be deemed to, affect any existing bonds, mortgages, or other securities issued by the Commissioners under such powers or any of the rights of the holders thereof respectively.

Application of borrowed moneys.

4. All mortgages or bonds issued or moneys borrowed by the Commissioners under the powers of this Order shall be applied in the manner and order following, and not otherwise (that is to say):—

(1.) In payment of the costs, charges, and expenses of or incidental to preparing, applying for, obtaining and confirming this Order;

(2.) In satisfying, discharging, and paying, in accordance with the priorities defined by the certificate of the chief clerk of Mr. Justice Kay, dated the Twenty-second day of July, One thousand eight hundred and eighty-nine, in the action between Batten, Proffitt, and Scott, plaintiffs, and the Dartmouth Harbour Commissioners, defendants, all moneys due for unpaid principal and interest upon bonds, mortgages, or other securities (including any moneys which, under the bonds securing the same, are payable on demand) issued by the Commissioners under the powers of the said Orders and the Improvement Act, and all other judgment debts and liabilities of the Commissioners;

(3.) In redeeming and consolidating subject to the rights of their respective holders all or any of the existing bonds, mortgages, or other securities charged upon the undertaking of the Commissioners or the revenues thereof;

(4.) And the balance (if any) shall be applied in carrying on the general purposes of the undertaking to which capital is properly applicable:

Provided always that the holder of any bond, mortgage, or other security, or any other creditor of the Commissioners shall not be compellable to accept bonds or mortgages issued under the powers of this Order instead of payment in money.

Priorities.

5. Notwithstanding anything contained in this Order or the said Orders or the Improvement Act, the Commissioners may create and issue the bonds or mortgages under this Order in two or more series, and the holders of the bonds or mortgages of each series shall rank equally and without priority as between themselves, but shall have or be subject to such preference or priority as between each series as may be determined upon by the Commissioners at the date of the issue of the first security of each series, but without prejudice to the rights existing in respect of any series previously issued wholly or partly, and in particular the Commissioners may undertake to pay off instalments on account of principal or to create a sinking fund for the repayment thereof in respect of any one or more series of bonds or mortgages before applying their revenue in payment of interest due on bonds or mortgages of another series.

User of steam whistles.

6. No steam vessel whilst within the jurisdiction of the Commissioners shall sound or use any steam whistle or siren except for such purposes as are defined by the regulations for preventing collisions at sea for the time being in force, or so far if at all as the Commissioners from time to time may authorise the use thereof as a means of communication with local agents, pilots, or crew. The master and managing owner of any such vessel shall be liable to a penalty not exceeding five pounds for the acts and defaults of any person on any such vessel so offending, and the penalty may be recovered from and enforced against the master or managing owner in the same manner and by the same authority or authorities as provided for by section fifty-six of The Dartmouth Harbour Improvement Act, 1882: Provided that this section of this Order is not to apply to steam vessels belonging to the Great Western Railway Company running backwards or forwards between Dartmouth and Kingswear.

Costs of Order.

7. All the costs charges and expenses of or incidental to preparing and obtaining this Order or otherwise incurred in reference thereto shall be paid by the Commissioners.

LITTLEHAMPTON.

A.D. 1894. *Littlehampton.*

Order for the Construction, Maintenance, and Regulation of a Promenade Pier in extension of the Eastern Arm or Jetty of the Harbour at Littlehampton, in the County of Sussex.

Undertakers.

1. The Littlehampton Pier Company (Limited) shall be the Undertakers for carrying this Order into execution, and are in this Order referred to as the Company.

Local board defined.

2. In this Order the expression "the Local Board" means the Local Board of Health for the district of Littlehampton.

Incorporation of Lands Clauses Acts.

3. The Lands Clauses Acts, except so much thereof as relates to the purchase and taking of lands otherwise than by agreement, and to the entry upon lands by the Promoters of the undertaking shall be incorporated with this Order.

Power to acquire lands by agreement.

4. For the purposes of the works authorised by this Order, the Company may from time to time by agreement enter upon, take, and use all or such part of the lands shown on the plans deposited for the purposes of this Order as they think requisite for the purposes of the pier and the works and conveniences connected therewith.

Lands for extraordinary purposes.

5. The Company may purchase and hold for extraordinary purposes any land not exceeding in the whole one acre, but this section shall not exempt the Company from any proceedings for any nuisance caused or permitted by them upon any land acquired by them under this section.

Limits of Order.

6. The limits within which the Company shall have authority, and which shall be deemed the limits to which this Order and the power to levy rates extend, shall comprise the pier and works authorised by this Order.

Power to make works.

7. Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plans as the Board of Trade require from time to time before the completion of the works in order to prevent injury to navigation, the Company may on the lands acquired by them under this Order, and in the lines and according to the levels shown on the deposited plans and sections (so far as the same are shown thereon) and within the limits of deviation shown on those plans, make and maintain the pier and works authorised by this Order.

Description of works authorised.

8. The pier and works authorised by this Order include:—

A promenade pier by way of extension of the eastern arm or jetty of the present harbour at Littlehampton, in the parish of Littlehampton, in the county of Sussex, commencing at the seaward end of such existing arm or jetty, and proceeding in a southerly direction into the sea for a distance of 650 feet or thereabouts.

The pier is to be constructed of open iron pile work.

Subsidiary works.

9. The Company may make, provide, and maintain in connection with the pier all proper landing stages, landing places, groynes, terraces, approaches, toll-houses, toll-gates, turnstiles, cranes, buoys, moorings, mooring-posts, and other buildings, erections, works, conveniences, and appliances.

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Littlehampton.

Power to erect rooms, &c. on pier.

10. The Company may from time to time erect and construct upon the pier pavilions, concert rooms, saloons, assembly or music rooms, with reading, refreshment, and other rooms, shops, bazaars, and other conveniences, and may furnish, stock, and equip the same, and may make such reasonable charges for the use thereof or admission thereto respectively, as the Company think proper.

Power to levy tolls and rates.

11. When a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary to the due construction of the works authorised by this Order have been given, the Company may, subject and according to the provisions of this Order, for the use of the pier and works, demand, recover, and receive, in respect of the persons, vessels, matters, and things in the schedule to this Order specified, any sums not exceeding the sums in such schedule specified or referred to.

Power to lease tolls and rates.

12. The Company may from time to time lease the tolls and rates authorised by this Order for any period not exceeding seven years, for such rent or consideration and on such terms and conditions as they may think fit, and the lessee shall have and may exercise during the continuance of his lease the same powers of demanding and recovering tolls and rates as the Company have or might exercise under the Harbours, Docks, and Piers Clauses Act, 1847, and this Order, and shall be subject to all the provisions as to accounts or otherwise to which the Company are subject under this Order.

Agreements with the harbour authority as to rates.

13. The Company and the Harbour Authority may, with the consent of the Board of Trade in writing, from time to time enter into and carry into effect agreements with respect to the leasing by the Harbour Authority to the Company, for such period as may be agreed upon, of the rates, dues, and charges now leviable by the Harbour Authority on ships and goods at Littlehampton Harbour, and with respect to the use of the pier by vessels and boats and the landing and shipping of goods and other things thereon and therefrom, and the charges to be made therefor.

Agreements with the harbour authority as to jetty.

14. The Company may, with the consent of the Board of Trade in writing, from time to time enter into and carry into effect agreements with the Commissioners of the port of Arundel and the harbour of Littlehampton for the transfer of the existing jetty forming the eastern arm of the harbour, and such Commissioners may transfer the same to the Company on such terms as may be agreed upon, or failing agreement, as may be settled by an arbitrator to be appointed by the Board of Trade on the application of either party.

Rates may be levied though works not completed.

15. When and so soon as it shall be at any time or from time to time certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade and paid by the Company, that the works authorised by this Order have been so far completed as to afford accommodation for the landing and embarking or shipping of passengers and goods by means of such works, the Company may, notwithstanding the twenty-fifth section of the Harbours, Docks, and Piers Clauses Act, 1847, and although the whole of the works authorised by this Order shall not then have been completed, demand, receive, and recover such of the rates or such proportion of all or any of the rates specified in the schedule to this Order as shall, in the opinion of the Board of Trade, be commensurate to the accommodation afforded.

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Littlehampton.

Undertakers may contract with persons for the use of the pier.

16. The Company may grant to passengers and promenaders or others, pass tickets for the use of the pier on such terms and for such period not exceeding one year as may be agreed on, but so that no preference shall be given to any person. A pass ticket shall not be transferable, and shall not be used by any person except the person to whom it is granted, or by any person after the period limited for its use. If any person act in any way in contravention of this provision, or use or attempt to use any false or counterfeit ticket, he shall for every such offence be liable to a penalty not exceeding twenty shillings to be recovered and applied as penalties are recoverable and applicable under the Harbours, Docks, and Piers Clauses Act, 1847, for all the purposes of which Act this Order shall be deemed the special Act.

Agreements with ship owners.

17. The Company and the owners of any steam vessel, or other vessel, may enter into and give effect to any agreement with respect to the dues or charges on ships and goods, and with respect to the use of the pier by vessels and boats, and the landing and shipping of goods and other things on and from the pier, and the charges to be made for landing and shipping, but so that no preference be given to any person, company, or vessel.

Board of Trade may reduce pier rates.

18. If at any time and from time to time the clear annual income derived from the pier and works authorised by this Order, on the average of the then three last preceding years, after payment of all expenses and outgoings other than payments of principal or interest in respect of money borrowed, shall exceed interest at the rate of ten pounds per centum per annum on the entire sum from time to time appearing to the Board of Trade to have been expended by the Company in executing the works authorised by this Order, and in providing the conveniences and appliances connected therewith, the Board of Trade may, if in their discretion they think fit, reduce the rates leviable under this Order to such amounts as will be sufficient to provide the aforesaid interest at the rate of ten pounds per centum per annum, with power to the Board of Trade at any time and from time to time to raise them again to not exceeding the amounts specified in the schedule to this Order.

Annual account to be sent to Board of Trade.

19. The Company, within one month after sending to the clerk of the peace a copy of their annual account in abstract (which account shall be made up at the end of the day on the twenty-fifth day of March in each year), shall send a copy of the same to the Board of Trade and the Local Board, and the sixteenth section of the General Pier and Harbour Act, 1861, Amendment Act shall apply to and include any and every such account. If the Company refuse or neglect to comply with this provision they shall, for every such refusal or neglect, be liable to a penalty not exceeding ten pounds.

Certain fishing vessels under stress of weather exempt from rates.

20. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the pier or works authorised by this Order and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Board of Trade officers exempt from rates.

21. Officers of the Board of Trade being in the execution of their duty, shall at all times have free ingress, passage, and egress to, on, along, and from the pier and works by land and with their vessels and otherwise without payment.

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22. All persons going to or returning from any lifeboat, or using any apparatus for saving life, and being persons either belonging to the crew of the lifeboat or to the coastguard, or being persons for the time being actually employed in saving life, or in exercising or using the lifeboat or apparatus for saving life, and also all persons brought ashore from any vessel in distress, shall at all times have free ingress, passage, and egress to, or along and on and from the pier and works without payment.

Lifeboat crew exempt from tolls.

23. The officers of the coastguard and all other persons for the time being actually employed in connexion with the lifeboat or the apparatus for saving life, may either permanently or temporarily, and from time to time without payment attach or cause to be attached to any part of the pier or works, spars and other apparatus for saving life, and may also either in course of using or of exercising the apparatus for saving life, fire rockets over the pier.

Life-saving apparatus may be attached to the pier.

24. The Company may make byelaws for the regulation and control of vessels and boats to take effect below high-water mark and seaward within twenty-five yards of any part of the pier or works, and also for the regulation and control of persons embarking, disembarking, frequenting, or resorting to or employed at the pier, approaches, and other works authorised by this Order, and may impose and recover a penalty not exceeding forty shillings in any case for the breach or non-observance of any byelaws; but byelaws made under this Order shall not come into operation until the same have been submitted to and received the confirmation of the Board of Trade, which shall be sufficient for all purposes.

Power to make byelaws.

25. The following sections of the Harbour, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order, namely, sections 16 to 19 and 21 to 23, but the Company shall at their own expense, when directed by the Board of Trade, provide to the satisfaction of the Board of Trade a site near the pier, and build on such site a house and other proper accommodation for a lifeboat, rocket apparatus, and other life-saving apparatus, and shall be liable to a penalty not exceeding ten pounds for every month during which they omit to provide such accommodation after having been required to do so by the Board of Trade.

Parts of Harbours, &c. Act, 1847, excepted.

26. Part V. of the Harbours and Passing Tolls, &c. Act, 1861, shall apply to the works authorised by this Order.

Part V. of 24 & 25 Vict. c. 47 to apply.

27. The Company shall at all times keep at the outer extremity of the pier sufficient life buoys and lines in good order and fit and ready for use.

Life buoys to be kept.

28. The whole of the pier and works shall in respect of all matters, crimes, or offences arising or committed thereon requiring the cognisance of any justices of the peace be deemed and taken to be within and as forming part of the district of the Littlehampton Local Board, in the county of Sussex, and within the jurisdiction of any justices acting within and for the said county and district.

Pier to be deemed within district of local board.

29. Before commencing the works authorised by this Order the Company shall apply to the Board of Trade for directions as to the lights to be exhibited, and shall in all respects obey any directions given upon such application, or afterwards from time to time given as to lights by the Board of Trade during the construction of the works, and compliance with the directions so given shall

As to lights during construction of works.

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satisfy and be in place of every other statutory requirement as to lights during the construction of the works, and the Company shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply, or refuse or neglect to observe any direction so given.

As to lights after completion of works.

30. After completion or permanent discontinuance or abandonment of the works authorised by this Order, the Company shall, at the outer extremity of the pier and works or the completed portion thereof, exhibit during all or any part of the time from sunset to sunrise, and according to the season of the year and the requirements of the traffic, such light or lights (if any) as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond, and shall apply to that Corporation for directions as to lighting, and the Company shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply, or refuse or neglect to observe any such directions.

Provision against danger to navigation.

31. In case of injury to or destruction or decay of the pier or works, or any part thereof, the Company shall lay down such buoys, exhibit such lights, or take such other means for preventing, so far as may be, danger to navigation as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond, and shall apply to that Corporation for directions as to the means to be taken, and the Company shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply, or refuse or neglect to observe any such direction.

Powers to cease in certain events.

32.—(1.) If within two years from the date of the passing of the Act confirming this Order, the works authorised by this Order should not be substantially commenced, the powers by this Order given for executing such works or otherwise in relation thereto shall cease, unless the time for commencement be extended by the special direction of the Board of Trade.

(2.) If the works authorised by this Order, after having been substantially commenced, should be virtually suspended for twelve consecutive calendar months, the powers by this Order given for executing such works or otherwise in relation thereto shall cease, except as to so much of such works as shall be then completed, unless such powers shall by the special direction of the Board of Trade be continued and directed to remain in force for any period not exceeding five years from the date of the Act confirming this Order.

(3.) In either of the above cases a certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall for the purposes of this Order, be conclusive evidence of the facts stated in such certificate.

Saving rights under the Crown Lands Act, 1866.

33. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by the Crown Lands Act, 1866, nor shall any works under this

Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges without the assent of the Board of Trade having been first obtained.

Saving rights of the Crown.

34. This Order shall not be taken as a consent to the surrender of, nor shall anything in this Order prejudice or affect any property, interests, rights, powers, authorities, or privileges, of Her Majesty in right of Her Crown which are under the management of the Commissioners of Her Majesty's Woods, or either of them.

Costs of Order.

35. All the costs, charges, and expenses of or incidental to preparing and obtaining this Order, or otherwise incurred in reference thereto, shall be paid by the Company.

Short title.

36. This Order may be cited as the Littlehampton Promenade Pier Order, 1894.

The SCHEDULE to which the foregoing Order refers.

I.—Tolls or Rates on Passengers and Promenaders using the Pier.

	s.	*d.*
For every passenger or other person who shall land on the pier from or embark from it on board of any ship, vessel, packet, or passage boat for each and every time any sum not exceeding - - -	0	2
For every person who shall use the pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each and every time any sum not exceeding - -	0	2
For every bath or sedan chair, including the person drawing or propelling the same, taken on the pier, for each and every time, any sum not exceeding - - - - - - - - -	0	4
For every perambulator, including the person drawing or propelling the same, taken on the pier, for each and every time, any sum not exceeding - - - - - - - -	0	2
For every master of any vessel, boat, or wherry using the pier for the purpose of going to or returning from his own vessel, boat, or wherry, for each and every time - - - - - -	0	1
Or an annual sum not exceeding - - - - -	10	0

II.—Rates on Passengers' Luggage.

For every trunk, portmanteau, box, parcel, or package, not exceeding 28 lbs., and not carried by hand - - - -	0	2
Over 28 lbs., and not exceeding 56 lbs. - - - -	0	4
Over 56 lbs., and not exceeding 112 lbs. - - - -	0	6
Over 112 lbs., and not exceeding 168 lbs. - - - -	0	7
Over 168 lbs., and not exceeding 196 lbs. - - - -	0	8
Over 196 lbs., and not exceeding 2 cwt. - - - -	0	9
And for every additional 28 lbs. weight up to the limit of 5 cwt. -	0	1
For every bicycle and tricycle, including the person in charge thereof, every time - - - - - - - - -	0	3

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III.—Rates for Supplying Water.

	s.	d.
Fresh water on pier, per 100 gallons	1	6
Sea water, per 3 gallons	0	1

IV.—Rates and Dues on Vessels and Goods.

The rates and dues leviable by the Company on vessels using the pier, and on goods (other than as before mentioned) landed thereon or shipped therefrom shall not exceed the rates and dues authorised to be levied for the time being in respect of vessels and goods at Littlehampton Harbour.

Seaford.

SEAFORD.

Order for the Construction, Maintenance, and Regulation of a Pier at Seaford, in the County of Sussex.

Undertakers.

1. James Lee, of No. 12, Compton Avenue, Brighton, Managing Director of the Brighton, Worthing, and South Coast Steamboat Company, Limited, and his assigns, shall be the Undertakers for carrying into execution the works authorised by this Order, and are in this Order referred to as the Undertakers.

Incorporation of Lands Clauses Acts.

2. The Lands Clauses Acts, except so much thereof as relates to the purchase and taking of lands otherwise than by agreement, and to the entry upon lands by the promoters of the undertaking, shall be incorporated with this Order.

Power to acquire lands by agreement.

3. For the purposes of the works authorised by this Order the Undertakers may from time to time, by agreement, enter upon, take, and use all or such part of the lands shown on the plans deposited for the purposes of this Order, as they think requisite for the purposes of the pier, and the works and conveniences connected therewith.

Lands for extraordinary purposes.

4. The Undertakers may purchase and hold for extraordinary purposes any additional land not exceeding in the whole one acre, but this section shall not exempt the Undertakers from any proceedings for nuisance caused or permitted by them upon any land acquired by them under this section.

Power to make works.

5. Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plans as the Board of Trade require from time to time before the completion of the works, in order to prevent injury to navigation, the Undertakers may on the lands acquired by them under this Order and in the lines and according to the levels shown on the deposited plans and sections (so far as the same are shown thereon), and within the limits of deviation shown on those plans, make and maintain the pier and works authorised by this Order.

Description of works authorised.

6. The works authorised by this Order include:—

A pier, jetty, and landing place in the parish of Seaford, in the county of Sussex, and on the beach, foreshore, and bed of the sea adjoining such parish, commencing at the seaward side of the esplanade at Seaford at a

point opposite the southern end of Causeway Road, thence extending in a south-westerly direction across the beach and foreshore and into the sea, and terminating in the sea at a distance of two hundred yards or thereabouts from the said point of commencement at the esplanade.

The pier is to be constructed of open ironwork.

Power to construct conveniences.

7. The Undertakers may make, provide, and maintain in connexion with the pier and jetty, groynes, approaches, proper landing places, toll-houses, toll-gates, turnstiles, lifts, cranes, buoys, moorings, mooring-posts, and other buildings, erections, works, conveniences, and appliances.

Power to erect rooms, &c.

8. The Undertakers may from time to time erect and construct upon the pier, pavilions, concert rooms, saloons, assembly or music rooms, with reading, refreshment, and other rooms, shops, bazaars, baths, and other conveniences, and may make such reasonable charges for the use thereof, or for admission thereto as they think proper. Provided that works authorised by this section shall not be constructed on land at the entrance of the pier which, at the time of the passing of the Act confirming this Order, belongs to the Seaford Bay Estate Company (Limited), except with the consent in writing first obtained of that Company or their successors in title.

Power to levy tolls and rates.

9. When a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order, or otherwise necessary to the due construction of the works authorised by this Order, have been given, the Undertakers may, subject and according to the provisions of this Order for the use of the Pier and works, demand, recover and receive in respect of the persons, matters, and things in the schedule to this Order specified, any sums not exceeding the sums in such schedule specified or referred to.

Power to lease tolls and rates.

10. The Undertakers may from time to time lease the tolls and rates authorised by this Order for any period not exceeding seven years for such rent or consideration, and on such terms and conditions as they may think fit, and the lessee shall have and may exercise during the continuance of his lease the same powers of demanding and recovering tolls and rates as the Undertakers have or might exercise under the Harbours, Docks, and Piers Clauses Act, 1847, and this Order, and shall be subject to all the provisions as to accounts or otherwise to which the Undertakers are subject under this Order.

Agreements as to dues, &c.

11. The Undertakers may, with the consent in writing of the Board of Trade, enter into and carry into effect agreements with respect to the dues and charges on ships and goods, and with respect to the use of the pier by vessels and boats, and the landing and shipping of goods and other things thereon and therefrom, and the charges to be made therefor, but so that no preference be given to any person, company, or vessel.

Rates may be levied though works not completed.

12. When and so soon as it shall be at any time, or from time to time, certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade, and paid by the Undertakers, that the works authorised by this Order have been so far completed as to afford accommodation either for persons walking on the pier or for the landing and embarking or shipping of passengers and goods by means of such works, the Undertakers may, notwithstanding the twenty-fifth section of the Harbours, Docks, and Piers Clauses Act, 1847, and although the whole of the works authorised by this Order shall not then have

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been completed, demand, receive, and recover such of the tolls and rates, or such proportion of all or any of the tolls and rates specified in the schedule to this Order, as shall, in the opinion of the Board of Trade, be commensurate to the accommodation afforded.

Undertakers may contract with persons for the use of the pier.

13. The Undertakers may grant to passengers and promenaders or others, pass tickets for the use of the pier on such terms and for such period not exceeding one year, as may be agreed on, but so that no preference shall be given to any person. A pass ticket shall not be transferable, and shall not be used by any person except the person to whom it is granted, or by any person after the period limited for its use. If any person act in any way in contravention of this provision, or use or attempt to use any false or counterfeit ticket, he shall, for every such offence, be liable to a penalty not exceeding twenty shillings, to be recovered and applied as penalties are recoverable and applicable under the Harbours, Docks, and Piers Clauses Act, 1847, for all the purposes of which Act this Order shall be deemed the special Act.

Board of Trade may reduce pier rates.

14. If at any time and from time to time the clear annual income derived from the pier and works authorised by this Order, on the average of the then three last preceding years, after payment of all expenses and outgoings other than payments of principal or interest in respect of money borrowed shall exceed interest at the rate of ten pounds per centum per annum on the entire sum from time to time appearing to the Board of Trade to have been expended by the Undertakers in executing the works authorised by this Order, the Board of Trade may, if in their discretion they think fit, reduce the rates leviable under this Order to such amount as will be sufficient to provide the aforesaid interest at the rate of ten pounds per centum per annum, with power to the Board of Trade at any time and from time to time to raise them again to not exceeding the amounts specified in the schedule to this Order.

Annual account to be sent to Board of Trade.

15. The Undertakers, within one month after sending to the clerk of the peace a copy of their annual account in abstract (which account shall be made up at the end of the day on the twenty-fifth day of March in each year) shall send a copy of the same to the Board of Trade, and the sixteenth section of the General Pier and Harbour Act, 1861, Amendment Act shall apply to and include any and every such account. If the Undertakers refuse or neglect to comply with this provision, they shall for every such refusal or neglect be liable to a penalty not exceeding ten pounds.

Certain fishing vessels under stress of weather exempt from rates.

16. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom shall, when forced by stress of weather to make use of the pier or works authorised by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Board of Trade officers exempt from rates.

17. Officers of the Board of Trade being in the execution of their duty shall at all times have free ingress, passage, and egress to, on, along, and from the pier and works by land, and with their vessels and otherwise, without payment.

Lifeboat crew exempt from tolls.

18. All persons going to or returning from any lifeboat, or using any apparatus for saving life, and being persons either belonging to the crew of the lifeboat or to the coastguard, or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or apparatus for saving life,

and also all persons brought ashore from any vessel in distress, shall at all times have free ingress, passage, and egress to or along and on and from the pier and works without payment.

Life-saving apparatus may be attached to the pier.

19. The officers of the coastguard, and all other persons for the time being actually employed in connexion with the lifeboat or the apparatus for saving life, may either permanently or temporarily and from time to time without payment attach or cause to be attached to any part of the pier or works, spars, and other apparatus for saving life, and may also, either in course of using or of exercising the apparatus for saving life, fire rockets over the pier.

Power to make byelaws.

20. The Undertakers may make byelaws for the regulation and control of vessels and boats, to take effect below high-water mark and seaward within twenty-five yards of any part of the pier or works, and also for the regulation and control of persons embarking, disembarking, frequenting, or resorting to or employed at the pier approaches and other works authorised by this Order, and may impose and recover a penalty not exceeding forty shillings in any case for the breach or non-observance of any byelaws, but byelaws made under this Order shall not come into operation until the same have been submitted to and received the confirmation of the Board of Trade, which shall be sufficient for all purposes.

Parts of Harbours, &c. Act, 1847, excepted.

21. The following sections of the Harbour, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order, namely, sections sixteen to nineteen, and twenty-one to twenty-three, but the Undertakers shall, at their own expense, when directed by the Board of Trade, provide, to the satisfaction of the Board of Trade, a site near the pier, and build on such site a house and other proper accommodation for a lifeboat, rocket apparatus, and other life-saving apparatus, and shall be liable to a penalty not exceeding ten pounds for every month during which they omit to provide such accommodation after having been required to do so by the Board of Trade.

Part V. of 24 & 25 Vict. c. 47 to apply.

22. Part V. of the Harbours and Passing Tolls, &c. Act, 1861, shall apply to the works authorised by this Order.

Life buoys to be kept.

23. The Undertakers shall at all times keep at the outer extremity of the pier sufficient life buoys and lines in good order and fit and ready for use.

Pier to be deemed within district of local board.

24. The whole of the pier and works shall, in respect of all matters, crimes, or offences arising or committed thereon requiring the cognizance of any justices of the peace, be deemed and taken to be within and as forming part of the district of the Seaford Local Board, in the county of Sussex, and within the jurisdiction of any justices acting within the said district.

As to lights during construction of works.

25. Before commencing the works authorised by this Order the Undertakers shall apply to the Board of Trade for directions as to the lights to be exhibited, and shall in all respects obey any directions given upon such application or afterwards from time to time given as to lights by the Board of Trade during the construction of the works, and compliance with the directions so given shall satisfy and be in place of every other statutory requirement as to lights during the construction of the works, and the Undertakers shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse or neglect to observe any direction so given.

As to lights after completion of works.

26. After completion or permanent discontinuance or abandonment of the works authorised by this Order the Undertakers shall, at the outer extremity of the pier and works, or the completed portion thereof, exhibit during all or any part of

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Seaford.

the time from sunset to sunrise, and according to the season of the year and the requirements of the traffic, such light or lights (if any) as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond, and shall apply to that Corporation for directions as to lighting, and the Undertakers shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply, or refuse or neglect to observe any direction so given.

Provision against danger to navigation.

27. In case of injury to or destruction or decay of the pier or works, or any part thereof, the Undertakers shall lay down such buoys, exhibit such lights, or take such other means for preventing, so far as may be, danger to navigation as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond, and shall apply to that Corporation for directions as to the means to be taken, and the Undertakers shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply, or refuse or neglect to obey any directions given in reference to the means to be taken.

Power to cease in certain events.

28.—(1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order should not be substantially commenced, the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease, unless the time for commencement be extended by the special direction of the Board of Trade.

(2.) If the works authorised by this Order, after having been substantially commenced, should be virtually suspended for twelve consecutive calendar months, the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease, except as to so much of such works as shall be then completed, unless such powers shall, by the special direction of the Board of Trade, be continued and directed to remain in force for any period not exceeding five years from the date of the Act confirming this Order.

(3.) In either of the above cases a certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall, for the purposes of this Order, be conclusive evidence of the facts stated in such certificate.

Saving rights under Crown Lands Act, 1866.

29. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by the Crown Lands Act, 1866, nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges, without the assent of the Board of Trade having been first obtained.

Saving rights of Crown.

30. This Order shall not be taken as a consent to the surrender of, nor shall anything in this Order prejudice or affect, any property, interests, rights, powers, authorities, or privileges of Her Majesty in right of Her Crown, which are under the management of the Commissioners of Woods, or either of them.

Costs of Order.

31. All the costs, charges, and expenses of or incidental to obtaining this Order, and otherwise incurred in relation thereto, shall be paid by the Undertakers.

Short title.

32. This Order may be cited as the Seaford Promenade Pier Order, 1894.

The SCHEDULE to which the foregoing Order refers.

I.—Tolls or Rates on Passengers and Promenaders using the Pier.

	s.	d.
For every passenger or other person who shall land on the pier from or embark from it on board of any ship, vessel, packet, or passage boat, for each and every time, any sum not exceeding	0	4
For every person who shall use the pier for the purpose of walking for exercise, pleasure, or any other purpose except for embarking or disembarking, for each and every time, any sum not exceeding	0	2
For every bath or sedan chair, including the person drawing or propelling the same, taken on the pier, for each and every time, any sum not exceeding	0	4
For every perambulator, including the person drawing or propelling the same, taken on the pier, for each and every time, any sum not exceeding	0	3
For every master of any vessel, boat, or wherry using the landing stage or pier for the purpose of going to or returning from his own vessel, boat, or wherry, for each and every time	0	1
Or an annual sum not exceeding	10	0

II.—Rates on Passengers' Luggage.

For every trunk, portmanteau, box, parcel, or package not exceeding 28 lbs. and not carried by hand	0	2
Over 28 lbs. and not exceeding 56 lbs.	0	4
Over 56 lbs. and not exceeding 112 lbs.	0	6
Over 112 lbs. and not exceeding 168 lbs.	0	7
Over 168 lbs. and not exceeding 196 lbs.	0	8
Over 196 lbs. and not exceeding 2 cwt.	0	9
And for every additional 28 lbs. weight up to the limit of 5 cwt.	0	1
For every bicycle and tricycle, including the person in charge thereof, every time	0	4

III.—Rates for Supplying Water.

Fresh water on pier, per 100 gallons	1	6
Sea water, per 3 gallons	0	1

Pier and Harbour Provisional Orders (No. 1).

A

B I L L

To confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Bangor, Dartmouth, Littlehampton, and Seaford.

(*Prepared and brought in by Mr. Burt and Mr. Mundella*).

Ordered, by The House of Commons, *to be Printed*, 9 *April* 1894.

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[Bill 150.]

A

B I L L

TO

Confirm certain Provisional Orders made by the Board of Trade under "The General Pier and Harbour Act, 1861," relating to Collieston, Fraserburgh, Polperro, and Whitelinks. A.D. 1894.

WHEREAS a Provisional Order made by the Board of Trade under the General Pier and Harbour Act, 1861, is not of any validity or force whatever until the confirmation thereof by Act of Parliament: 24 & 25 Vict. c. 45.

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the said Act, and set out in the schedule to this Act, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Confirmation of Orders in schedule.

1. The several Orders set out in the schedule to this Act shall be and the same are hereby confirmed, and all the provisions thereof in manner and form as they are set out in the said schedule shall, from and after the *passing of this Act*, have full validity and force.

Special provisions as to houses of labouring class.

2. The undertakers mentioned in the said Orders shall not, under the powers of this Act or of the said Orders, purchase or acquire in any city, borough, or other urban sanitary district, or in any parish or part of a parish not being within an urban sanitary district in England, or in Scotland in any district within the meaning of the Public Health (Scotland) Act, 1867, as the case may be, ten or more houses which after the *passing of this Act* have been, or on the *fifteenth day of December* last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers:

A.D. 1894.

For the purposes of this section the expression "labouring class" includes mechanics, artizans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others except members of their own family, and persons, other than domestic servants, whose income does not exceed an average of *thirty shillings* a week, and the families of any of such persons who may be residing with them.

Short title.

3. This Act may be cited as the Pier and Harbour Orders Confirmation (No. 2) Act, 1894.

THE SCHEDULE OF ORDERS.

1. COLLIESTON.—Construction of harbour works and constitution of Harbour Authority.
2. FRASERBURGH.—Guarantee of harbour loan by local rating authority.
3. POLPERRO.—Extension of harbour and constitution of Harbour Authority.
4. WHITELINKS.—Construction of harbour works and constitution of Harbour Authority.

COLLIESTON.

A.D. 1894.

Collieston.

Order for the construction, maintenance, and regulation of a Harbour at Collieston, in the Parish of Slains, in the County of Aberdeen.

Incorporation of Harbour Trustees.

1. For the purpose of carrying this Order into execution there shall be a body of Trustees (in this Order referred to as the Trustees), to be qualified, nominated, and elected as in this Order provided, and the Trustees and their successors are hereby for the purposes of this Order incorporated by the name of the Collieston Harbour Trustees, and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purpose and subject to the provisions and restrictions of this Order.

Interpretation.

2. The several words and expressions to which by the Acts incorporated with this Order meanings are assigned, have in this Order the same respective meanings, unless excluded by the subject or context, and in this Order unless excluded by the subject or context—

"The fishermen" means fishermen resident in and fishing from the village of Collieston or the village of Old Castle, both situated on the estate of Slains, in the parish of Slains and county of Aberdeen, who shall be of the age of twenty years and upwards, and who shall have been so resident for a period of six months before the date of any election, as herein-after provided;

"The feuars" means persons not being fishermen, holding a house or houses of the annual value of five pounds and upwards, in the village of Collieston or the village of Old Castle, on a feudal title, who shall be of the age of twenty years and upwards at the date of any election, as herein-after provided;

"The agricultural tenants" means tenants of agricultural holdings on the said estate of Slains of the annual value of five pounds and upwards as appearing in the valuation roll in possession of such holdings at the date of any election, as herein-after provided.

Appointment and election of trustees.

3. There shall be seven Trustees, of whom two shall be Trustees ex officiis, and the other five shall be elected, as herein provided. The Trustees ex officiis shall be Dame Emily Eliza Steele Gordon Cathcart, wife of Sir Reginald Archibald Edward Cathcart, of Carlton, Baronet, during her life, and on her death the proprietor for the time being of the said estate of Slains, or of that portion thereof on which the village of Collieston is situated, or in the absence of the said Dame Emily Eliza Steele Gordon Cathcart, or of the proprietor for the time being of the said estate, the factor for the said Dame Emily Eliza Steele Gordon Cathcart, or for such proprietor as aforesaid, and the Reverend George Greig, M.A., the present minister of the parish of Slains during his incumbency, and his successors in the incumbency of the said parish.

Of the representative Trustees, three shall be elected by the fishermen, one shall be elected by the feuars, and one shall be elected by the agricultural tenants.

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First representative Trustees.

4. The first representative Trustees shall be, Andrew Walker, fisherman, No. 35, Collieston ; John Walker, fisherman, No. 45, Collieston; and Andrew Walker Ritchie, fisherman, No. 1, Collieston, representing the fishermen; George Forrest, merchant, Collieston, representing the feuars ; and James Cochrane, tenant of the farm of Waterside, on the said estate of Slains, and residing at Pitlurg House, in the said parish of Slains, representing the agricultural tenants.

Future representative Trustees.

5. The following provisions with reference to the election of Trustees shall have effect :—

(1.) One of the Trustees representing the fishermen shall retire each year, but shall be eligible for re-election: The Trustees representing the feuars and the agricultural tenants shall hold office for three years, and shall be eligible for re-election :

The first election of a Trustee to represent the fishermen shall be held on the first Saturday of December, in the year one thousand eight hundred and ninety-five, when one of the three Trustees representing the fishermen shall retire. The Trustee who shall then retire shall, unless the matter is otherwise arranged, be determined by lot. On the first Saturday of December, in the year one thousand eight hundred and ninety-six, one of the two remaining original Trustees representing the fishermen shall retire, the Trustee so retiring to be in like manner determined by lot; and on the first Saturday of December, in the year one thousand eight hundred and ninety-seven, the third of the Trustees representing the fishermen shall retire. In subsequent years the Trustee who has been three years in office shall retire. A successor to the Trustee retiring shall be annually elected on the first Saturday of December by vote of the fishermen :

(2.) The said George Forrest shall retire on the first Saturday of December, in the year one thousand eight hundred and ninety-seven, on which day a Trustee shall be elected by the feuars :

(3.) The said James Cochrane shall retire on the same day (namely), the first Saturday of December, in the year one thousand eight hundred and ninety-seven, on which day a Trustee shall be elected by the agricultural tenants :

(4.) The election of Trustees shall be held at such places within the parish of Slains as may be appointed for the purpose by the Trustees, and notice of the day, place, and hour shall be given by the Trustees by advertisement, or by public notice in such manner as the Trustees may direct, at least seven clear days before the election :

(5.) Nominations signed by two persons qualified to vote at the election must be lodged with the clerk to the Trustees at least two clear days before the election :

(6.) At each meeting for the election of Trustees the chairman of the Trustees or the clerk to the Trustees, or a Trustee to be nominated for the purpose by the Trustees shall preside. The election may be by show of hands or by calling the roll, or in such manner as the chairman of the meeting may determine, and all questions arising at such meeting or in connexion with the election, shall be summarily decided by the chairman. In the event of an equality of votes the chairman of the meeting shall have a casting vote.

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(7.) The chairman of each meeting shall report to the Trustees the person elected as Trustee at such meeting, and a report so made shall be conclusive of the election, and shall not be liable to be questioned by any person whatsoever.

Trustees may resign.

6. Any Trustee may resign office at any time upon giving not less than three weeks' notice in writing of his resignation to the Trustees or their clerk.

Occasional vacancies among Trustees.

7. In case of a vacancy in the office of Trustee, by reason of failure to make a valid election, or of any Trustee refusing to accept office, or dying, or resigning, or becoming incapable or incompetent to act, or ceasing to be a Trustee from any other cause than going out of office in the regular course, the remaining Trustees shall, as soon as may be thereafter, at a special meeting of the Trustees elect a person to fill any such vacancy, and the Trustee so elected shall continue in office for the same period as the person whose vacancy he fills would in ordinary course have continued in office, and shall go out of office at the same time, but shall be eligible for re-election. In the case of an equality of votes at any such election the chairman for the time being of the Trustees shall have a second or casting vote.

Acts of Trustees not to be invalidated by reason of vacancies.

8. Notwithstanding any vacancy or vacancies in the office of Trustee, the Trustees for the time being shall be competent to act, and all their proceedings shall be as legal and valid as if no vacancy existed, and on the expiration of the term of office of any of the Trustees they shall continue competent to act until their successors are elected and come into office, but no Trustee shall vote in favour of himself at an election of a Trustee.

Incorporation of Commissioners Clauses Act, 1847.

9. The Commissioners Clauses Act, 1847 (except sections six and seven, and except the provisions thereof relating to the election and rotation of the Trustees where the Trustees are to be elected by the ratepayers or other like class of electors, and except so far as other sections of that Act are inconsistent with this Order), is hereby incorporated with this Order, and that Act shall, so far as the nature and circumstances of the case will admit, apply to the Trustees collectively and severally, subject to the following provision :—

With reference to section thirty-nine of the last-mentioned Act the prescribed number (constituting a quorum) of the Trustees shall be three.

Meetings of Trustees.

10. Meetings of the Trustees shall be held in such places and at such times as the Trustees shall appoint. The first meeting shall be held at Collieston, within thirty days after the passing of the Act confirming this Order. The annual meeting of the Trustees shall be held in the month of November at such time and place as the Trustees may fix.

Special meetings.

11. The clerk to the Trustees, on requisition being made to him (in writing) stating the object of the intended meeting, and signed by the chairman or two of the Trustees, shall cause special meetings to be called within forty-eight hours, and to be held within four days after such requisition.

The undertakers.

12. The Trustees shall be the Undertakers for the purposes of this Order, and may accordingly carry this Order into effect in all respects.

Incorporation of the Lands Clauses Acts.

13. The Lands Clauses Acts, except so much thereof as relates to the purchase and taking of lands otherwise than by agreement, and to the entry upon lands

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by the promoters of the undertaking, and, except where expressly varied by or inconsistent with the provisions of this Order, are incorporated with this Order.

Power to take lands by agreement.

14. For the purposes of the works authorised by this Order, the Trustees may from time to time by agreement, purchase, enter on, take, and use all or any part of the lands and foreshore shown on the plans deposited with reference to this Order, and may acquire by agreement any easement over, or interest in, or right of using such lands or any of them as they may think requisite for the purposes of this Order.

Power to take easements by agreement.

15. Any person or persons, company, corporation, or local authority empowered by the Lands Clauses Acts to sell and convey, or release lands, may, if they think fit, subject to the provisions of those Acts, grant to the Trustees any easement, servitude, right, or privilege, not being an easement, servitude, right or privilege of water, in which other than parties to the agreement have an interest in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, servitudes, rights, and privileges as aforesaid respectively.

Lands for extraordinary purposes.

16. The Trustees may in addition to the lands which they are authorised to acquire by this Order by agreement purchase and hold for extraordinary purposes any lands not exceeding in the whole two acres. Provided that this Order or anything therein contained shall not exempt the Trustees from any proceedings on account of any nuisance caused or permitted by them on any lands acquired by them under this section.

Limits of harbour.

17. The limits of the harbour for the purposes of this Order, and within which the Trustees shall have authority, and which shall be deemed the limits to which this Order and the power to levy rates extend, shall comprise the harbour, basin, and piers, and works to be constructed under the powers conferred by this Order below the line of high-water mark, and the whole area below the said line within a distance of four hundred feet from any part of the basin, piers, and works which limits (and all additions to and improvements on the harbour works from time to time to be made by the Trustees) are in this Order termed "the limits of this Order," but no rates or dues shall be demanded or received in respect of boats or vessels passing through the limits of this Order seawards of the piers and works without otherwise using the harbour.

Construction of works.

18. Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plans and sections as the Board of Trade may require from time to time before the completion of the works, in order to prevent injury to navigation, the Trustees may on the lands belonging to them or acquired by them under this Order, and in the lines and according to the levels shown on the deposited plans and sections, and within the limits of deviation shown on those plans, execute and maintain the works authorised by this Order.

Description of works.

19. The works authorised by this Order include:—

(1.) A road (being Work No. 1) commencing at the south-east corner of the dwelling-house, No. 47, Collieston, now occupied by John Ritchie, and thence

extending along the sea beach in a south-easterly direction for a distance of one hundred and ninety-four yards or thereabouts and there terminating :

(2.) A pier or quay (being Work No. 2) commencing at the termination of the said road (Work No. 1), and thence extending seawards in a north-easterly direction for a distance of sixty-nine yards or thereabouts thence extending in a north-westerly direction for a distance of ninety yards or thereabouts, and there terminating in the bed of the sea. The said pier or quay will be solid :

(3.) The deepening by means of dredging or otherwise of the area enclosed by the pier or quay (Work No. 2) and the beach, and of the entrance for a distance of one hundred feet or thereabouts in an easterly direction from the termination of the said pier or quay to a depth of fifteen feet or thereabouts below the level of high-water of ordinary spring tides :

The said works will be situated in the parish of Slains and county of Aberdeen, and on the foreshore and bed of the sea ex adverso of the said parish and county.

Powers of deviation.

20. In constructing the works by this Order authorised, the Trustees may, with the consent in writing of the Board of Trade, deviate laterally from the lines of such works delineated on the deposited plans to any extent not exceeding the limits of deviation marked on the deposited plans, and may deviate vertically from the levels of the said works as defined on the deposited sections to any extent not exceeding five feet.

Power to alter plans and sections with the sanction of the Board of Trade.

21. The Trustees in carrying out the purposes of this Order within the limits aforesaid, may make any alterations in the works shown on the deposited plans and sections, and they may construct any other new works, temporary or permanent, which to them may from time to time appear expedient. Provided always that they shall before adopting and carrying any such alterations into execution submit plans and sections thereof to the Board of Trade, and no such alterations or works shall be adopted or executed by the Trustees, unless approved by the Board of Trade, in writing under the hand of one of the secretaries or assistant secretaries of that Board.

Improvement and maintenance of harbour.

22. Subject to the provisions of this Order, the Trustees may from time to time construct, maintain, alter, and improve the harbour, and the quays, dockage, piers, jetties, wharves, sewers, drains, water-courses, roads, approaches, streets, and other works and conveniences connected therewith, and may lay down and construct rails, tramways, and sidings on or along the quays, piers, and other works within the harbour, and may alter, dredge, scour, deepen, widen, enlarge, improve, and maintain the entrance channels and waterways of the harbour. Provided that any line of tramway constructed under the powers of this Order shall not be used for the public conveyance of passengers, unless and until the same shall have been inspected, and certified by the Board of Trade to be fit for such traffic.

Consents to works.

23. Works authorised by this Order below high-water mark shall not be commenced without the consent of the Board of Trade having been first obtained in writing, and shall be executed in manner approved by the Board of Trade.

Penalty for obstructing works.

24. Every person who wilfully obstructs any person acting under the authority of the Trustees in setting out the lines of the works authorised by this

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Order, or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of the said works, or any part thereof, shall, for every such offence, be liable to a penalty not exceeding five pounds.

Power to levy rates in schedule.

25. When a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required by this Order, or otherwise necessary for the due construction of the works authorised by this Order, have been given, the Trustees may, subject to the provisions of this Order, for the use of the harbour and works and conveniences connected therewith, demand and take in respect of vessels, boats, persons, goods, animals, fish, and things, and of services rendered, described in the schedule to this Order, any sums not exceeding the several rates in that schedule mentioned.

Rates may be levied although works not completed.

26. When and so soon as it shall be at any time, or from time to time, certified in writing, under the hand of any officer to be appointed for the purpose by the Board of Trade, and paid by the Trustees, that the works authorised by this Order have been so far executed or completed as to afford increased harbour accommodation by means of such works, the Trustees may, notwithstanding the twenty-fifth section of the Harbours, Docks, and Piers Clauses Act, 1847, and although the whole of the works authorised by this Order shall not then have been completed, demand, receive, and recover such of the rates, or such proportion of all or any of the rates specified in the schedule to this Order as shall, in the opinion of the Board of Trade, be commensurate with the increased accommodation afforded.

Provisions as to collection of rates.

27. The Trustees may levy, sue for, and recover the rates for fish brought into the harbour direct from sea, either from the persons bringing the same into the harbour, or from the fish salesmen or auctioneers who dispose of such fish, or from the persons purchasing or receiving delivery of the same, who shall respectively be entitled to deduct the amount of such rates from the price at which such fish were sold or purchased, and such fish salesmen, auctioneers, and purchasers or receivers of such fish shall, when required, be respectively bound to furnish the Trustees or their collector of rates with a true account under their hands of the quantity or value of such fish, and to verify the same by the production of their books, and every person who shall refuse to give such account or who shall subscribe a false account, shall be deemed guilty of an offence for which he shall be liable to a penalty not exceeding ten pounds.

Power to vary exemptions from and compound for rates.

28. The Trustees may from time to time confer, vary, or extinguish exemptions from and enter into compositions with any person with respect to the payment of rates authorised by this Order in respect of vessels or boats regularly plying to and from the harbour, but so that no preference be given to any person, and that anything done under this section shall not prejudice the other provisions of this Order.

Revision of rates.

29. The Trustees shall from time to time revise the rates and charges authorised under this Order, so that the income of the Trustees under this Order may always be, so far as practicable, sufficient, and not more than sufficient, for the purposes of this Order; and if at any time, and from time to time, the clear annual income of the Trustees on the average of the then three last preceding years, after payment of all expenses and outgoings, shall exceed the amount sufficient to answer the purposes of this Order, the Board of Trade may, if

in their discretion they think fit, reduce such rates and charges to such sums as will be sufficient to provide the amount aforesaid, with power to the Board of Trade at any time, and from time to time, to raise them again to not exceeding the sums specified in the schedule to this Order.

Master of vessel to report arrival.

30. Within twelve hours after the arrival within the harbour of any vessel liable to rates, the master of such vessel shall report such arrival to the collector of rates, and if he fails to make such report within the time aforesaid, and after he has been required to do so by the collector, he shall be liable to a penalty not exceeding ten pounds.

Master to give an account of cargo.

31. The master of every vessel shall, on his arrival in the harbour, and before unloading any part of his cargo, and immediately after being loaded, be obliged to give in to the collector of rates, or to such person as the Trustees shall appoint, an exact and full account of his cargo, by producing his bills of lading, or his manifest or intake account, or a true copy thereof, and such other documents as the collector shall deem necessary, and demand for ascertaining the true contents thereof, and every person failing so to do, or not delivering a just and true account of his cargo, both outwards and inwards as aforesaid shall, for every such offence, forfeit and pay any sum not exceeding ten pounds over and above the whole rates and dues payable in respect of such loading and unloading.

Masters of fishing boats to report arrival and give account of take of fish.

32. The master or owner of every fishing boat shall, within twelve hours of their arrival in the harbour, forthwith report the same to the harbour-master or collector of rates, and shall furnish to the collector a true and accurate statement of his take of fish, and the name of the person obtaining delivery thereof, and if he fail to do so, he shall be liable to a penalty not exceeding ten pounds.

Harbour master may prevent sailing of vessels when rates have not been paid.

33. The harbour master may prevent the removal or sailing out of the harbour of any vessel or fishing boat in respect of which any rate or due shall have been payable until evidence shall have been produced to him of the payment of such rate or due to the collector of rates, and until the master or owner shall have given a statement of his take of fish as required by the last preceding section hereof.

Trustees may provide and license steam tugs.

34. The Trustees may from time to time build, purchase, contract for or hire, and may maintain, use, and let steam tugs or other power for the use and accommodation of vessels frequenting the harbour, and may also from time to time license such number of steam tugs or other power belonging to any person for such period and on such terms and conditions as they think fit

Charges for use of steam tugs.

35. The Trustees may from time to time, with the approval of the Board of Trade, fix such rates and charges as may appear to them reasonable for or in respect of the use of such steam tugs or other power maintained, used, and let or licensed by them, and such rates or charges shall be paid by the owner, agent, master, consignee, or other person having charge of the vessel obtaining assistance of such steam tug or other power to the Trustees, or their lessee, or to the person with whom they contract, or to the owner of such steam tug or other power, if licensed by the Trustees, as the case may be. And such rates and charges shall be due and payable whether such steam tug or other power shall be actually employed or not, provided the assistance thereof

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shall have been required, and shall, in consequence of a requisition, have been tendered by the master or other person having command of such steam tug or other power.

Rates for use of warehouses, &c.

36. The Trustees may demand and receive such rates or other consideration as they may think reasonable for any special services rendered by them, and for the use of any warehouses, sheds, buildings, yards, works, and conveniences belonging to them, in respect of which rates are not specially fixed in the schedule to this Order.

Annual account to be sent to Board of Trade.

37. The Trustees, within one month after sending to the sheriff clerk the copy of their annual account in abstract (which account shall be made up to the end of the day on the thirty-first day of December in each year), shall send a copy of the same to the Board of Trade, and section sixteen of the General Pier and Harbour Act, 1861, Amendment Act, shall apply to and include any and every such account. If the Trustees neglect or refuse to comply with this provision they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds.

Certain fishing vessels under stress of weather exempt from rates.

38. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties or port charges such vessels when driven by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the harbour and works, and not breaking bulk while making use thereof, be exempt from the rates leviable under this Order.

Certain officers exempt from rates.

39. The Secretary for Scotland, and any person or persons deputed by him, and officers of the Board of Trade, and of the Fishery Board for Scotland, being in the execution of their duties, shall at all times have free ingress, passage, and egress to, in, through, and out of, and from the harbour and works by their vessels and otherwise, without payment.

Lifeboat crews exempt from rates.

40. All persons going to or returning from any lifeboat or using any apparatus for saving life, or being persons either belonging to the crew of the lifeboat or to the coastguard, or being persons for the time being actually employed in saving life, and also all persons brought ashore from any vessel in distress, shall at all times have free ingress, passage, and egress to, or along, and from the harbour and works without payment.

Apparatus for saving life may be attached to pier.

41. The officers of the coastguard and all other persons for the time being actually employed in connexion with the lifeboat, or the apparatus for saving life, may either permanently or temporarily, and from time to time, without payment, attach or cause to be attached to any part of the pier, harbour, or works, spars and other apparatus for saving life, and may also, either in course of using or exercising the apparatus for saving life, fire rockets over the pier, harbour, or works.

Power to lease rates.

42. The Trustees may from time to time lease the rates and dues authorised by this Order for any period not exceeding seven years from the date of the lease, and for such rent and consideration and on such terms and conditions as they think fit, and the lessee shall have and may exercise during the continuance of his lease the same powers of levying and recovering rates and dues as the Trustees have or might exercise under the Harbours, Docks, and Piers Clauses

Act, 1847, and this Order, and shall be subject to all the provisions as to accounts and otherwise to which the Trustees are made subject under this Order. A.D. 1894. *Collieston.*

Power to borrow.

43. The Trustees may from time to time borrow and re-borrow at interest such money as may be required for the purpose of this Order, not exceeding in the whole the sum of five thousand pounds, on the security of the rates authorised by this Order, or they may accept and take from any bank or banking company credit for any amount not exceeding the said sum of five thousand pounds on a cash account to be opened and kept in the name of the Trustees according to the usage of bankers in Scotland, and the Trustees may grant bonds and assignations of the said rates in security for the repayment of the moneys so borrowed, or of the amount of such credit, or of the sums advanced from time to time on such cash account, with interest thereon respectively.

Re-borrowing.

44. Any money borrowed under this Order and discharged otherwise than by means of a sinking fund or by instalments may be re-borrowed if required for the purposes of this Order, and so from time to time.

Application of money borrowed.

45. All money borrowed under this Order shall be applied only for the purposes of this Order, to which capital is properly applicable, and not otherwise.

Application of revenues.

46. The rates and charges received by the Trustees under this Order and the other harbour revenues shall be applied for the purposes and in the order following, and not otherwise (that is to say):—

(1.) In paying the costs, charges, and expenses of or incident to preparing and obtaining this Order, or otherwise incurred in relation thereto;

(2.) In paying any feu duties or rents payable in respect of the lands and property (if any) belonging to or leased by the Trustees in connexion with the harbour, and in paying the expenses of the maintenance, repair, management, and regulation of the harbour, and in defraying the other expenses of the Trustees properly incurred in relation to the harbour, including the cost of borrowing money under this Order;

(3.) In paying year by year the interest on money borrowed by the Trustees for the purposes of this Order;

(4.) In forming a sinking fund for payment of principal moneys borrowed under this Order;

(5.) In forming and maintaining a contingency fund, if the Trustees think fit, not exceeding the sum of five thousand pounds, for providing for accidents to the harbour;

(6.) In paying off any other debts contracted, or to be contracted, by the Trustees;

(7.) In further improving, deepening, and extending the harbour, and carrying into effect the purposes of this Order.

Sinking fund.

47. The Trustees shall every year appropriate and set apart out of the harbour revenues such a sum as will, with the accumulation thereof by way of compound interest, be sufficient to pay off the whole of the principal moneys borrowed under this Order within fifty years after the same are respectively borrowed.

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Annual return to Board of Trade with respect to sinking fund.

48. The clerk to the Trustees shall within two months after the expiration of each year during which any sum is required to be set apart for a sinking fund under this Order, transmit to the Board of Trade a return in such form as may be prescribed by that Board, and verified by statutory declaration, if so required by them, showing the amount which has been invested for the purpose of the sinking fund during the year preceding the making of such return, and the description of the securities upon which the same has been invested, and also showing the purpose to which any portions of the moneys invested for the sinking fund and the interest thereof have been applied during the same period, and the total amount remaining invested at the end of the year, and in the event of any wilful default in making such return, such clerk shall be liable to a penalty not exceeding twenty pounds. If it appear to the Board of Trade by such return or otherwise that the Trustees have failed to set apart, in accordance with the provisions of this Order, the sum required by this Order for the sinking fund, or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Order, the Board of Trade may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund, and such order shall be enforceable by decree of either division of the Inner House of the Court of Session in Scotland in a summary application presented for that purpose.

Contingency fund.

49. The Trustees may, yearly, if they think fit, for the purpose of forming a contingency fund to meet any unforeseen accident or extraordinary damage which may happen or be caused to the harbour, appropriate and set apart the surplus revenue of the harbour (if any) after meeting the ordinary expenditure, and interest, and sinking fund, as herein provided for, and shall deposit the same in some joint stock bank of issue in Scotland to be increased by accumulation in the way of compound interest or otherwise, to a sum not exceeding five thousand pounds, until required for the aforesaid purposes, and to be applied as required for the maintenance of the harbour.

Power of Trustees to purchase or hire dredgers or apparatus.

50. The Trustees may for the purposes of the works authorised by this Order, or any of them, from time to time provide, purchase, lease, or hire such steam or other dredgers, engines, tugs, lighters, or other vessels, diving bells, ballast lighters, rubbish lighters, tools, plant, or other materials as they think fit, and may from time to time demand and receive such sums for the use of the same, as they may think fit, or may sell or dispose of the same, and the money thereby realised shall be applied towards carrying into effect the purposes of this Order, or some of them.

Portion of Harbours Clauses Act excepted.

51. Sections sixteen to nineteen, of the Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order, but the Trustees shall, whenever required by the Board of Trade provide at their own expense, to the satisfaction of the Board of Trade a site near the harbour, and build on such site a house and other proper accommodation for a lifeboat, rocket apparatus, and other life-saving apparatus, and shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit to provide such accommodation after having been required so to do by the Board of Trade.

Meters and weighers may be licensed.

52. The Trustees may appoint and license a sufficient number of persons to be meters and weighers at and within the harbour.

Boats not to anchor within harbour.

53. No vessel or boat shall, without the consent of the Trustees or their harbour master, anchor within the limits of the harbour.

Byelaws.

54. The Trustees may make byelaws for the regulation and control of vessels and boats within the harbour, and for the regulation and control of the fishermen and other persons, and goods and traffic in and at the harbour and works, ground or property belonging to the Trustees, and used for harbour purposes, but such byelaws shall not come into operation until the same have received the allowance and confirmation of the Board of Trade, which shall be sufficient for all purposes.

As to lights during construction of works.

55. Before commencing the works authorised by this Order, the Trustees shall apply to the Board of Trade for directions as to the lights (if any) to be exhibited, and shall in all respects obey any direction given upon such application, or afterwards from time to time given as to lights by the Board of Trade during the construction of the works; and compliance with directions so given shall satisfy and be in place of every other statutory requirement as to lights during the construction of the works, and the Trustees shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply, or refuse or neglect to observe any direction so given.

As to lights after completion of works.

56. After completion or permanent discontinuance or abandonment of the works authorised by this Order, the Trustees shall, at the outer extremity of the piers and works, or the completed portions thereof, exhibit for all or any part of the time from sunset to sunrise, and according to the requirements of the traffic and the season of the year, such light or lights (if any) as shall from time to time be directed by the Commissioners of Northern Lighthouses, and shall apply to those Commissioners for directions as to lighting, and the Trustees shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply, or refuse or neglect to observe any directions so given.

Provision against danger to navigation.

57. In case of injury to or destruction or decay of the pier or works, or any part thereof, the Trustees shall lay down such buoys, exhibit such lights, or take such other means for preventing, so far as may be, danger to navigation, as shall from time to time be directed by the Commissioners of Northern Lighthouses, and shall apply to those Commissioners for directions as to the means to be taken, and the Trustees shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply, or refuse or neglect to obey any direction given in reference to the means to be taken.

Power to cease in certain events.

58.—(1.) If within two years from the date of the passing of the Act confirming this Order, the works authorised by this Order should not be substantially commenced, the powers by this Order given for executing such works or otherwise in relation thereto shall cease, unless the time for commencement be extended by the special direction of the Board of Trade.

(2.) If the works authorised by this Order, after having been substantially commenced, should be virtually suspended for twelve consecutive calendar

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months, the powers by this Order given for executing such works or otherwise in relation thereto shall cease, except as to so much of such works as shall be then completed, unless such powers shall, by the special direction of the Board of Trade, be continued and directed to remain in force for any period not exceeding five years from the date of the Act confirming this Order.

(3.) In either of the above cases a certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall, for the purposes of this Order, be conclusive evidence of the facts stated in such certificate.

Saving rights under Crown Lands Act, 1866.

59. This Order shall not be taken as a consent to the surrender of any rights interests, powers, authorities, or privileges transferred to the management of the Board of Trade by the Crown Lands Act, 1866, nor shall any works under this Order be commenced within the limits affected by any such rights, interests, powers, authorities, or privileges without the assent of the Board of Trade having been first obtained.

Saving rights of Crown under Crown Lands Act.

60. Nothing contained in this Order, or to be done under the authority thereof, shall in any manner affect the title to any of the subjects, or any rights, powers, or authorities mentioned in or reserved by sections twenty-one and twenty-two of the Crown Lands Act, 1866, and belonging to or exerciseable on behalf of Her Majesty, her heirs or successors.

Costs of Order.

61. All the costs, charges, and expenses of or incident to preparing and obtaining this Order or otherwise incurred in relation thereto shall be paid by the Trustees.

Short title.

62. This Order may be cited as the Collieston Harbour Order, 1894.

The SCHEDULE to which the foregoing Order refers.

I.—Rates on Boats and Vessels using the Harbour, other than Fishing Boats and Fishing Vessels and exclusive of their Cargoes.

	£	s.	d.
1. Boats and vessels anchoring or mooring in and loading or discharging at the harbour - - - per register ton	0	0	4
2. Pleasure yachts anchoring or mooring in the harbour not carrying goods or passengers for hire - - - per register ton	0	0	3
3. Boats and vessels anchoring or mooring in the harbour for safety or windbound, and not unloading any goods or cargo per register ton	0	0	2
4. Boats and vessels remaining in the harbour shall be liable in repetition of the above rates for every week or part of a week they may remain after the expiration of two weeks from their arrival.			

II.—Rates on Fishing Boats and Fishing Vessels using the Harbour.

	£	s.	d.
1. Boats or vessels employed at the herring fishery at the harbour for the herring fishing season payable on or before the 26th July per register ton	0	2	0
With a minimum of - - - - - -	1	10	0
Note.—The herring fishing season shall from time to time be fixed by the Trustees, and notice thereof shall be posted on some conspicuous place at the harbour.			
2. Boats or vessels prosecuting the white or other fishing other than the herring fishing at the harbour—			
If manned by six hands or more—			
From the 1st October to 1st January, - - each	0	10	0
From the 1st January to 1st April, - - each	0	10	0
From the 1st April to 1st July, - - - each	0	10	0
If manned by less than six hands for each of those periods, each - - - - - - - - -	0	5	0
3. Fishing boats or vessels not employed at the regular fishings at the harbour as above, but which shall load or discharge herrings or other fish, on entering the harbour each time - - each	0	2	6
4. Fishing boats or vessels loading or discharging any other cargo than fish, on entering the harbour each time—			
If under 30 tons register - - - - each	0	3	0
If 30 tons register or above, the same as other trading vessels.			
5. Boats and fishing vessels coming into the harbour for safety or wind-bound, but which shall not load or unload any fish or other cargo, each time - - - - per register ton	0	0	2
6. Boats and fishing vessels entering for the purpose of fitting out, or for any other purpose not above enumerated, on entrance— each	0	2	6
7. On such boats and vessels remaining in the harbour after the expiration of two weeks from the date of entering, for each week or part of a week, over and above the dues exigible on arrival - - - - - - -	0	2	0

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III.—Rates on Goods Shipped, Transhipped, or Unshipped in the Harbour.

Articles of Export or Import.	Weight or Measure.	Rates. s.	Rates. d.
A.			
Ale and beer	per 3 gallons	0	0½
„ „ bottled	per cwt.	0	6
Alum	per cwt.	0	1¾
Anchors	per ton	5	0
Ashes	per ton	2	0
Asphalte and bitumen	per ton	1	3
Aerated water, all kinds	per ton	1	8
B.			
Bacon or hams	per ton	3	4
Ballast	per ton	0	2
Barilla	per ton	3	0
Bark, oak	per ton	2	6
Barley, and all other grotts	per ton	2	0
Barrels, empty herring	each	0	1
Baskets under 12 inches diameter	per dozen	0	6
„ above „ „	per dozen	1	0
Basket rods	per cwt.	0	2
Beef or pork (fresh or salt)	per ton	3	6
Beer, black or spruce	per 3 gallons	0	2
Billiard table	per cwt.	0	2
Biscuits	per ton	3	0
Blacking	per cwt.	0	6
Bleaching salts	per cwt.	0	2¼
Blubber	per 252 gallons	3	0
Bones (crushed or uncrushed)	per ton	1	6
Books and stationery	per cwt.	0	4
Bottles	per cwt.	0	4
„ broken	per ton	0	6
Boxwood	per cwt.	0	1¾
Bran	per ton	1	0
Brass	per ton	2	0
Bricks	per 1,000	0	10
Brimstone	per ton	2	0
Bristles	per cwt.	0	9
Brooms (common)	per dozen	0	2
Bulrushes	per cwt.	0	8
Butter	per cwt.	0	9
Boxes (empty)	each	0	1
C.			
Candles	per ton	3	6
Canvas	per cwt.	0	2
Carpet rugs and upholstery articles	per ton	2	6
Cane reeds	per cwt.	0	3
Carboys, empty	each	0	1
Carriages, with springs, under 5 cwt.	each	3	0

	Articles of Export or Import.	Weight or Measure.	Rates. s.	Rates. d.
	Carriages, with springs, 5 cwt. and under 7½ cwt.	each	5	6
	" " 7½ cwt. and under 10 cwt.	each	7	6
5	" " 10 cwt. and above	each	10	0
	Carrots	per ton	1	0
	Casks, boxes, sacks, and kits, empty, except returned empties, as provided for in the notes to this schedule	each	0	1
10	Cattle	each	1	6
	Calves	each	0	6
	Horses	each	2	0
	Ponies under 12 hands	each	1	0
	Asses or mules	each	1	0
15	Pigs	each	0	3
	Sheep and lambs	each	0	3
	Small cattle	each	0	6
	Cement	per ton	1	6
	Chalk	per ton	1	6
20	Cheese	per ton	2	6
	Chimney tops	each	0	1
	Chocolate	per cwt.	1	0
	Cider	per 3 gallons	0	0½
	Cinders and charcoal	per ton	0	9
25	Clay, viz.:—china or stone	per ton	1	0
	Clay pipes	per ton	1	0
	Clocks	each	1	0
	Clothing, haberdashery, silk mercery, &c., not otherwise enumerated	per ton	3	0
30	Coals	per ton	0	6
	Cocoa	per cwt.	4	0
	Cocoa nuts	per 100	0	4
	Coffee	per cwt.	0	3
	Coke	per ton	0	10
35	Confections of all kinds	per cwt.	0	2
	Copper	per ton	3	0
	" old	per ton	2	0
	" ore	per ton	1	0
	Copperas	per cwt.	0	1¾
40	Colours	per cwt.	0	1¾
	Cordage	per ton	2	6
	" old, not in use	per ton	1	0
	Cork wood and corks	per ton	3	4
	Corn and meal, viz.:—			
45	Barley and bigg	per ton	1	4
	Bere and meal	per ton	1	6
	Beans	per ton	1	4
	Indian corn	per ton	1	4
	Indian meal	per ton	1	6
50	Malt	per ton	2	8
	Oats	per ton	1	4
	Oatmeal	per ton	1	6
	Peas	per ton	1	6
	Rye	per ton	1	4
55	Wheat	per ton	1	6
	Cotton wool, &c.	per ton	5	0
	Crystal	per ton	5	0
	Cutch	per ton	3	4

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Articles of Export or Import.	Weight or Measure.	Rates.
		s. *d.*
D.		
Dogs	each	0 6
Drugs	per cwt.	0 4
Dung	per ton	0 4
E.		
Earthenware	per ton	2 6
Eggs	per cwt.	0 3
Emery and emery stones	per cwt.	0 3
F.		
Feathers	per ton	10 0
Felt	per ton	2 6
Fish, dried	per cwt.	0 3
„ pickled or salted	per cwt.	0 2
„ fresh haddock, cod, ling, and fish, not enumerated	per cwt.	0 2
„ large fresh cod, ling, and skate in the discretion of the Trustees	per 20	0 4
„ offal	per ton	0 6
Flax	per cwt.	0 2
Flour	per ton	2 8
Flower roots	per cwt.	0 2
Flint stones	per ton	0 6
Fruit, viz. :—		
Apples, pears, and berries	per cwt.	0 3
Plums, cherries, and grapes	per cwt.	0 4
Melons	per cwt.	0 2
Peaches	per 100	0 2
All not enumerated	per 10*l.* value	0 10
Furniture, household	per 10*l.* value	1 0
Furriers' waste	per ton	0 4
G.		
Game, viz. :—		
Hares	each	0 2
Rabbits	each	0 1
All others	each	0 2
Ginger	per cwt.	0 3
„ preserved	per cwt.	0 6
Glass of all descriptions	per cwt.	0 2
Glue	per cwt.	0 4
Grates, stoves, &c.	per ton	3 6
Grease	per ton	2 6
Groceries, all kinds, not enumerated	per cwt.	0 3
Gunpowder	per cwt.	0 3
Guano	per ton	1 6

Articles of Export or Import.	Weight or Measure.	Rates. s.	Rates. d.
H.			
Hair, all kinds	baken, per cwt.	0	4½
Hair, all kinds	plasterer's, per ton	2	0
Hardware	per cwt.	0	2
Hats	per dozen	0	5
Hay	per ton	1	6
Hemp	per ton	3	6
Herrings, imported	per 37½ gallons	0	4
„ exported	per 26⅔ gallons	0	2
Hides, raw	per cwt.	0	2
Honey	per cwt.	0	3
Hoops of wood	per 1,000	0	10
Hops	per cwt.	0	6
Horns, slugs, and tips	per 1,000	1	8
Husbandry implements	per ton	1	4
I.			
Iron, viz.:—			
Bar, plate, bolt, and rod	per ton	2	0
Forged made work and hoops	per ton	3	4
Old	per ton	1	3
Old and broken goods	per ton	0	6
Cast-iron goods	per ton	2	6
Wire	per cwt.	0	2
Pig	per ton	1	0
K.			
Kelp	per ton	1	0
Kiln pavement	per 30 feet	0	4
L.			
Lard	per ton	2	0
Lead	per ton	2	0
Lead, black	per ton	2	0
Lead ore	per ton	2	0
Lead, red and white	per ton	2	0
Lead shot	per ton	3	0
Lead, sugar of	per cwt.	0	2
Leather, tanned and dressed	per cwt.	0	3
Lemons	per cwt.	0	4
Lignum vitæ	per ton	3	0
Lime	per ton	0	6
Loam	per ton	0	4
M.			
Machinery	per cwt	0	2
Manures manufactured and not otherwise enumerated	per ton	1	6

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Articles of Export or Import.	Weight or Measure.	Rates.
		s. *d.*
Mats and basses	per dozen	0 1
Mill waste	per ton	2 0
Molasses	per ton	2 0
Mussels	per ton	0 6
N.		
Nuts, all kinds (except cocoa)	per cwt.	0 3
O.		
Oakum	per ton	3 0
Ochre	per cwt.	0 1½
Oil all kinds	per ton	3 4
„ cake	per ton	2 0
Onions	per cwt.	0 3
Oranges	per cwt.	0 4
Oysters	per cwt.	0 3
P.		
Peats	per ton	0 3
Paper	per cwt.	0 2
Passengers entering or leaving harbour, baggage of	per cwt.	0 2
Pewter	per ton	2 0
„ old	per ton	1 8
Pianoforte	per 10*l.* value	1 0
Pictures under two feet square	each	0 6
„ two feet and under four feet	each	1 0
„ four feet and upwards	each	2 0
Pigs' heads „ „	per cwt.	0 0¾
Pipes, drain, under 3 inches diameter	per 1,000	0 6
„ above	per 1,000	0 9
„ collars	per 1,000	0 3
Pipes, spigot, and faucet clay, glazed	per ton	1 0
NOTE.—Drain tiles and mugs one third less.		
Pipes, tobacco	per cwt.	0 4
Pitch	per cwt.	0 2
Plaster of Paris	per ton	2 8
Plants, nursery and garden, all kinds	per cwt.	0 4
Porter	per gallon	0 0¼
„ bottled	per cwt.	0 6
Potatoes	per ton	1 0
Poultry all kinds	each	0 1
Provisions, preserved, all kinds	per cwt.	0 2
Pumice stones	per cwt.	0 3
R.		
Rags	per ton	2 0
Rice	per cwt.	0 2
Rosin	per ton	2 6

	Articles of Export or Import.	Weight or Measure.	Rates. s.	Rates. d.
	S.			
	Saddlery, all kinds	per cwt.	0	3
5	Salt, in bulk	per ton	1	0
	„ rock	per ton	0	9
	„ saltpetre and Glauber salt	per ton	3	4
	„ in barrel, including dues of barrel	per ton	1	4
	Salmon	per cwt.	0	6
10	Seed, viz.:—			
	Rape and flax	per cwt.	0	1
	Clover	per cwt.	0	3
	Rye grass	per ton	3	4
	Shoes, of all kinds	per ton	3	0
15	Sheepskins, with wool	per cwt.	0	3
	„ pelts	per cwt.	0	2
	Slates, large	per 1,000	1	4
	„ sizeable	per 1,000	0	10
	„ small	per 1,000	0	6
20	Snuff	per cwt.	0	6
	Soap	per ton	2	0
	Soda	per ton	1	6
	Spades or shovels	per dozen	0	1
	Spirit of all kinds	per gallon	0	0¼
25	Starch	per cwt.	0	3
	Steel	per ton	3	0
	Straw	per ton	1	0
	Stones, viz.:—			
	Freestone, building	per ton	0	5
30	Polished granite	per ton	2	6
	Causeway granite	per ton	0	3
	Kerb pavement and building	per ton	0	5
	Rubble and chips	per ton	0	2
	Rigging stones	per 100 running feet	1	6
35	Flagstones	per ton	0	9
	Gravestones	each	3	0
	Marble	per ton	3	0
	Scythe stones	per cwt.	0	2
	Grindstones	each	0	4
40	Millstones	each	0	6
	All other descriptions, except flint	per ton	1	0
	Stucco	per ton	1	8
	Sugar, all kinds	per ton	1	8
	Stoneware, all kinds	per cwt.	0	2
45	**T.**			
	Tallow	per ton	2	0
	Tanners' waste	per ton	1	1
	Tar, coal	per 39 gallons	0	1
	„ Archangel	per 26½ gallons	0	2
50	Tea	per cwt.	0	6
	Tiles, roofing	per 1,000	1	0
	Tin of all kinds	per ton	2	0
	„ plates	per ton	2	0
	Tobacco, in leaf	per cwt.	0	2¼

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Articles of Export or Import.	Weight or Measure.	Rates.
		s. *d.*
Tobacco, manufactured	per 100 lb.	0 4½
„ stalks	per cwt.	0 3
Tongues, smoked	per dozen	0 1½
„ pickled	per cwt.	0 4
Toys	per cwt.	0 3
Tree nails	per 1,000	1 6
Turnery	per 10*l.* value	0 10
Turnips	per ton	0 6
Twine	per cwt.	0 3
Tow, all kinds	per ton	1 6
V.		
Vases or sculptured marble	per cwt.	0 3
Vinegar	per gallon	0 0¼
Vitriol	per gallon	0 0½
Varnish	per cwt.	0 2
Veneers, all kinds	per cwt.	0 4
Vegetables	per ton	0 6
W.		
Whalebone or whale fins	per ton	3 4
Wheels, coach, carriage, or cart	per pair	0 9
Whitening	per ton	0 10
Willow reeds	per cwt.	0 2
Wine	per gallon	0 0¼
„ bottled	per cwt.	0 6
Wood :—		
Herring barrel billets	per ton	1 0
„ „ staves	per 1,000 superficial feet.	1 4
All other kinds not enumerated	per 1*l.* value	0 4
Wool	per ton	3 4
Y.		
Yarn, viz. :—		
Lint and cotton	per ton	4 6
Hemp	per ton	3 6
Worsted	per ton	4 6
Z.		
Zinc	per ton	2 0

All goods or articles not enumerated in the foregoing schedule, 2*d.* per cwt.
Passengers entering or leaving harbour, 6*d.* each.

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Notes with Reference to the foregoing Schedule.

1. All empty boxes, barrels, sacks, and packages returned to the original shipper within three months from date of import are exempted from rates.

2. All goods landed from any vessel and reshipped in the same or another vessel in the original packages, and without being transferred from the lander, or if the said goods have been put into other packages from the original packages having been destroyed or damaged, shall only pay rates on landing, and may be reshipped in the same or another vessel upon her departure outwards without paying rates again.

3. The personal luggage of each passenger landing from any vessel within the harbour not exceeding two hundredweight in weight shall be exempted from rates.

4. If any goods for which rates shall have been paid when loaded shall from any accident or otherwise be unloaded, no rates shall be charged a second time for such goods on being reloaded.

5. Goods of all descriptions rated by weight shall be charged according to gross weight, fractional parts of any weight, measure, number, or value shall be charged proportionately and the minimum charge for a single package shall be one penny.

IV. Rates for the use of Sheds, Cranes, Weighing Machines, Warps, &c.

1. *Sheds.*

For each ton of goods which shall remain in any shed or on any quay or pier for a longer time than 24 hours the sum of 3*d.*, and the sum of 1½*d.* per ton for each day during which such goods shall remain after the first 24 hours.

2. *Cranes.*

	s.	*d.*
All goods or packages not exceeding 1 ton	0	3
Exceeding 1 ton and not exceeding 2 tons	0	4
Exceeding 2 tons and not exceeding 3 tons	0	6
„ 3 „ „ 4 „	0	8
„ 4 „ „ 5 „	0	10
„ 5 „ „ 6 „	1	0
„ 6 „ „ 7 „	1	2
„ 7 „ „ 8 „	1	4
„ 8 „ „ 9 „	1	8
„ 9 „ „ 10 „	2	0
Exceeding 10 tons	3	0

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3. *Weighing Machines.*	s.	d.
For potatoes, salt, and coals, each ton or part of a ton - - -	0	4
Goods in quantities of 20 tons and upwards of same cargo, per ton -	0	3
Other goods, per ton or part of a ton - - - -	0	6

4. *Warps or Planks.*		
Harbour warps, all vessels, per registered ton - - -	0	0¼
„ planks, long, per pair - - - - -	3	0
„ „ short, „ - - - - -	1	0

The long planks to be paid for by vessel and short planks by merchant.

5. *Water Money.*		
For each 25 gallons or part thereof supplied - - - -	0	3

6. *Harbour Lights.*			
For every fishing boat under 30 tons, payable in advance -	per season	2	6
„ „ „ 30 tons or above, payable in advance	per season	5	0
For all other boats - - - - -	each	0	6
For every ship under 100 tons register - - -	each	2	0
„ 100 tons register or above - - -	each	2	6

But rates for lights shall only be demanded and received so long as a light or lights are duly exhibited during the proper hours.

Fraserburgh.

FRASERBURGH.

Order for enabling the Commissioners of the Police Burgh of Fraserburgh, in the County of Aberdeen, to guarantee payment of Money raised by the Fraserburgh Harbour Commissioners.

Short title and construction.

1. This Order may be cited as the Fraserburgh Harbour Order, 1894, and this Order and the Fraserburgh Harbour Act, 1878 (in this Order alled "the Act of 1878"), and the Fraserburgh Harbour Order, 1884 (in this Order called "the Order of 1884"), and the Fraserburgh Harbour Order, 1891 (in this Order called "the Order of 1891"), shall be read and construed together as one Act or Order.

Interpretation of terms.

2. In this Order, unless the context otherwise requires, "the harbour" means the harbour of Fraserburgh; "the Harbour Commissioners" means the Fraserburgh Harbour Commissioners; "the Burgh Commissioners" means the Commissioners of the Police Burgh of Fraserburgh, acting under the Burgh Police (Scotland) Act, 1892.

Powers to Burgh Commissioners to give guarantee.

3. The Burgh Commissioners being a rating authority, as defined by section seven of the Public Works Loans Act, 1882, may (subject to the provisions of this Order), if they think it expedient for the inhabitants at large of their district, charge any fund or rate under their control for the purpose of aiding the Harbour Commissioners, in raising a loan from the Public Works Loan Commissioners, and may give such aid by guaranteeing the principal and interest of the loan, or by borrowing the sum required and advancing it to the Harbour Commissioners, or partly in one way and partly in the other.

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4. The Burgh Commissioners shall not give any charge, under the power conferred on them by this Order, except in pursuance of a special resolution for the purpose, passed at one meeting of the Burgh Commissioners, and published once at least in each of two successive weeks in a local newspaper circulating in Fraserburgh, and confirmed at a second meeting of the Burgh Commissioners, held not less than fourteen days after the first publication of notice of such resolution, and not less than three months after the meeting at which the resolution is passed.

But only under special resolution.

Harbour Commissioners to furnish accounts to Burgh Commissioners.

5. The Harbour Commissioners shall, in the month of October in every year, so long as any guarantee of the Burgh Commissioners under this Order is in force, ascertain whether their resources will enable them, after retaining in hand a proper balance for current expenditure and claims, and a reserve not exceeding two hundred pounds for contingencies, to meet the interest on, and any instalments due or falling due towards repayment of principal of any loan raised by them from the Public Works Loan Commissioners. If their resources will, after retaining such balance and reserve as aforesaid, be insufficient, they shall before the end of the same month of October, by writing under the hand of their clerk, claim payment of such sum as they shall deem to be the amount of the deficiency, from the Burgh Commissioners. The Burgh Commissioners shall, in order to enable them to judge of the propriety of such claim, be at liberty, by themselves or by any person or persons on their behalf, to examine the books, accounts, and papers of the Harbour Commissioners, so far as they relate to or affect the subject-matter of the claim, and the Harbour Commissioners shall give to the Burgh Commissioners, or such person or persons as aforesaid, all other information in their possession or power relating to or affecting the said subject-matter. If the Burgh Commissioners should be of opinion that the amount of the claim is incorrect, or that the claim is otherwise improper, and should signify such opinion under the hand of their clerk to the Harbour Commissioners, the matter in difference shall be referred to the determination of an arbiter to be appointed by the Board of Trade as herein-after provided. If, in manner aforesaid, it should be found that there is a deficiency, it shall be the duty of the Burgh Commissioners to fulfil their guarantee by providing and paying the amount of such deficiency to the Harbour Commissioners; but the Burgh Commissioners shall, in respect of any claim to be made by the Harbour Commissioners in any month of October, be allowed, as respects one-half of the amount, till the end of the following month of April, and as respects the other half of the amount till the end of the then following month of October, during which to raise and provide the amount payable by them. Such amount, when paid to the Harbour Commissioners, shall be applied by them in meeting the actual deficiency, and for no other purpose; and if there is any surplus of such amount after paying the actual deficiency, such surplus shall be repaid to the Burgh Commissioners.

Proceedings in case of default.

6. If the Burgh Commissioners make default in fulfilling their guarantee in manner by this Order provided, the Harbour Commissioners may recover the amount due thereunder, as a simple contract debt, by action in any court of

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competent jurisdiction, or the Board of Trade may, on the application of the Harbour Commissioners, or of the Public Works Loan Commissioners, order the Burgh Commissioners to remedy their default, and such order may, on the application of the Harbour Commissioners, or of the Public Works Loan Commissioners, be made a rule of the Court of Session or of the High Court.

Sums paid under guarantee to be repaid.

7. All sums paid by the Burgh Commissioners in fulfilment of their guarantee shall be repaid by the Harbour Commissioners to the Burgh Commissioners, with interest at the rate of four per centum per annum from the date of payment, as soon as the resources of the Harbour Commissioners will admit; and any doubt or difference as to the time and amount of any such repayment shall, on the application of the Burgh Commissioners, stand referred to, and be settled by an arbiter to be named by the Board of Trade.

Application of money repaid.

8. All money repaid by the Harbour Commissioners to the Burgh Commissioners shall be carried to the credit of the fund or rate out of which any payments have been made by the Burgh Commissioners on account of their guarantee.

Powers to Burgh Commissioners to provide sums for purpose of guarantee.

9. The Burgh Commissioners shall provide, out of the burgh assessments any sums from time to time required for the fulfilment of their guarantee, and shall from time to time raise and levy, as part of the burgh assessments, such sums as may be necessary for that purpose.

Time for repayment of loans to Burgh Commissioners.

10. Money borrowed by the Burgh Commissioners for the purposes of this Order shall be repaid within fifty years from the time of borrowing by equal annual instalments of principal or of principal and interest.

Saving for existing charges.

11. All charges existing at the time of the passing of the Act confirming this Order on the burgh assessments shall, during the continuance thereof, have priority over any guarantee or security given by the Burgh Commissioners under the authority of this Order.

Reference of disputes

12. Any dispute arising between the Harbour Commissioners and the Burgh Commissioners with respect to the construction of this Order, or the giving effect to the same, or with respect to their duties or obligations under this Order, shall, on the written application of either party to the Board of Trade, stand referred to and be determined by an arbiter to be appointed by that Board, and the determination of such arbiter shall be binding on the Harbour Commissioners and the Burgh Commissioners, and final for all purposes.

Saving for Harbour Commissioners and Burgh Commissioners.

13. Save as herein expressly otherwise provided, nothing in this Order shall abridge, affect, or interfere with any powers, rights, or privileges of the Harbour Commissioners or of the Burgh Commissioners.

Costs of Order.

14. All costs, charges, and expenses of and incident to the preparation and obtaining of this Order, or otherwise incurred in reference thereto, shall be paid by the Harbour Commissioners.

POLPERRO.

Order for incorporating the Trustees of the Harbour of Polperro, in the County of Cornwall, and vesting the Harbour in them, and for the improvement, maintenance, and regulation of the Harbour.

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Harbour Trustees.

1. This Order shall be carried into execution by a body of Trustees not exceeding fifteen in number (in this Order referred to as "the Trustees"), to be qualified and elected as in this Order provided.

Incorporation of trustees.

2. The Trustees and their successors are hereby incorporated by the name of the Trustees of Polperro Harbour, and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to sue and be sued, and to purchase, take, lease, hold, and dispose of land and other property for the purposes and subject to the provisions and restrictions of this Order.

First Trustees.

3.—(1.) The first Trustees shall be the following persons, namely, the Reverend John Edward Carthew, the Reverend John Parson, John Hocken Braddon, Richard Jolliff, Francis Treseder Giles, Charles Jolliff, Thomas Jolliff, John Gundry, William Puckey (junior), Nicholas Johns, William Henry Braddon, Richard Langmaid, William Edgcumbe, James Hill, and John Silvester Oliver.

(2.) The first Trustees shall come into office at the expiration of fourteen days from the date of the passing of the Act confirming this Order, and shall go out of office on the second Saturday in the month of November following.

Qualification of Trustees.

4. The qualification of a trustee, other than the first Trustees, shall be his being at the time of election resident in the parish of Lansallos, or in the parish of Talland, in the county of Cornwall, and rated to the relief of the poor in a sum of not less than one pound ten shillings.

Provision as to election of Trustees.

5. The following provisions shall have effect with respect to the election of Trustees other than the first Trustees:—

(1.) The Trustees shall be elected by ratepayers residing in the parishes of Lansallos and Talland, who are rated to the relief of the poor in a sum of not less than one pound ten shillings, which persons are in this Order referred to as the ratepayers:

(2.) On the first Saturday in the month of November next following the passing of the Act confirming this Order the ratepayers shall elect fifteen persons to be Trustees:

(3.) The Trustees so elected shall come into office on the Saturday next after their election, and thereafter one-third of the Trustees shall go out of office on the second Saturday in the month of November in each year, and on the first Saturday in the month of November in each year, the ratepayers shall elect five persons to be Trustees to supply the places of the Trustees

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so going out of office, and the Trustees going out of office shall be eligible for re-election:

(4.) The Trustees to go out of office at the expiration of the first year after the first election shall be those five who at the first election had the smallest number of votes, and the Trustees to go out of office at the expiration of the second year shall be those five who had the next smallest number of votes at the first election, and thereafter the Trustees to go out of office shall be those who have been longest in office. Where there has been an equality of votes the Trustees shall themselves decide at a special meeting convened for the purpose who is to go out of office:

(5.) The election of Trustees shall be made by the majority of ratepayers entitled to vote and be present at each meeting held for the purposes of such election, and in case of equality of voting the chairman of such meeting shall have a casting vote:

(6.) Any elector may attend the meeting and vote:

(7.) The election is to be by show of hands:

(8.) Any two electors may at the meeting propose any person as a candidate:

(9.) The decision of the chairman as to the number of persons voting, and the result of the election shall be final and conclusive:

(10.) The candidates having the greatest number of votes are to be the Trustees elected:

(11.) The election of Trustees shall be held in Polperro aforesaid at a place to be appointed by the Trustees:

(12.) The rate books shall be evidence as to what persons are duly qualified electors:

(13.) The clerk to the Trustees is to give notice of the day and place of meeting by affixing the same on the door of the office of the Trustees, and also by advertisement in some newspaper published and circulating in the county of Cornwall, and in any other convenient manner fourteen days at least before the day of meeting:

(14.) The clerk to the Trustees or a Trustee shall act as chairman of the meeting, and shall declare the number of votes given to each candidate, and, in case his decision is challenged, is to cause the number of electors voting for each candidate to be ascertained by taking a division, or in some other convenient manner:

(15.) The chairman of the meeting shall report to the Trustees the names of the persons elected as Trustees.

Expenses of election.

6. All expenses of or incidental to an election of Trustees under this Order are to be paid by the Trustees out of the dues or other income of the Trustees.

Trustees may resign.

7. Any Trustee may resign office at any time upon giving not less than three weeks' notice in writing of his resignation to the Trustees or their clerk.

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Occasional vacancies among Trustees.

8. In case of a vacancy in the office of Trustee by reason of failure to make a valid election, or of any Trustee refusing to accept office, or dying or resigning or becoming incapable or incompetent to act, or ceasing to be a Trustee from any cause other than going out of office in the regular course, the other Trustees shall, as soon as may be thereafter at a special meeting of the Trustees elect a person to fill any such vacancy, and the Trustee so elected shall continue in office for the same period as the person whose vacancy he fills would in ordinary course have continued in office, and shall go out of office at the same time but shall be eligible for re-election. In case of any equality of votes at any such election the chairman for the time being of the Trustees shall have a second or casting vote.

Acts of the Trustees not to be invalidated by reason of vacancies.

9. Notwithstanding any vacancy or vacancies in the office of Trustee, the Trustees for the time being shall be competent to act, and all their proceedings shall be as legal and valid as if no vacancy existed, and on the expiration of the term of office of any Trustees, they shall continue competent to act until their successors are elected and come into office, and every election or appointment of a Trustee shall be deemed valid unless and until the contrary is declared by a competent court,

Incorporation of Commissioners Clauses Act.

10. The Commissioners Clauses Act, 1847 (except sections seventeen to twenty-six, twenty-eight to thirty-two, fifty-four, eighty-nine, ninety, ninety-two, and ninety-five) so far as not varied by or inconsistent with this Order shall be, and the same is hereby incorporated with this Order, and shall so far as the nature and circumstances of the case will admit, apply to the Trustees collectively and severally subject to the following provisions :—

(1.) With reference to section thirty-nine, the prescribed number constituting a quorum of the Trustees shall be five:

(2.) With reference to section forty, it shall not be obligatory on the Trustees to hold monthly meetings, but they may hold meetings at any time and within any place as they may consider necessary, and shall hold at least two meetings in every year. The chairman shall be bound to convene a meeting at any time on the requisition of three Trustees:

(3.) With reference to section eighty-four, in case the Trustees borrow otherwise than on terms of repayment by annuity or instalment the sum to be every year appropriated and set apart out of the rates as a sinking fund shall not be less than two pounds for every hundred pounds of money borrowed or remaining due in each year. Provided that if any money borrowed shall be paid off out of the sinking fund, the Trustees shall thenceforth in every year until all money borrowed has been paid off pay to the sinking fund and accumulate a further sum equal to interest at three per cent. per annum on the money so paid off. Provided also that the Trustees may invest the sinking fund in any securities in which Trustees are for the time being authorised to invest trust money, or in the mortgages, bonds, debenture stock, or other securities authorised by Act of Parliament of any local authority as defined by the Local Loans Act, 1875:

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(4.) With reference to the accounts of the Trustees the same shall be audited annually by an auditor to be appointed by the Trustees who shall not be one of themselves nor their clerk or treasurer, and such auditor shall be paid for his services such fee as may be agreed on.

Transfer of existing harbour.

11. From and after the passing of the Act confirming this Order, the existing harbour of Polperro and the quays, piers, works, roads, and conveniences connected therewith, and all plant and other property thereof within the harbour and appertaining thereto shall be, and the same are hereby transferred to and vested in the Trustees, and may be lawfully held, used, and enjoyed by the Trustees for the purposes of this Order.

The undertakers.

12. The Trustees shall be the undertakers for carrying this Order into execution.

Limits of harbour.

13. The limits within which the Trustees shall have authority, and within which the powers of the harbour-master may be exercised, and which shall be deemed the limits to which this Order and the power to levy rates extend, shall comprise the harbour of Polperro, and the pier and works by this Order authorised, and the works and conveniences connected therewith respectively, and the following area, that is to say, the space enclosed within a straight line drawn from high-water mark at Denis Ball Point on the north-eastern entrance to the harbour to high-water mark on the Peak Rock on the south-western entrance to the harbour, and the line of high-water mark between those points, which limits are in this Order termed the limits of this Order.

Trustees to maintain works, &c.

14. The Trustees may maintain the said harbour, quays, piers, works, roads, and conveniences, and any additions or improvements to be made thereto, and may from time to time add to, extend, and improve the same.

Incorporation of Lands Clauses Acts.

15. The Lands Clauses Acts, except so much thereof as relates to the purchase and taking of lands otherwise than by agreement, and to the entry upon lands by the promoters of the undertaking, are hereby incorporated with this Order.

Power to take specified lands by agreement.

16. For the purpose of the works authorised by this Order, the Trustees may from time to time by agreement enter on, take, and use all or any part of the lands shown on the deposited plans as they may think requisite for the purposes of this Order.

Lands for extraordinary purposes.

17. The Trustees may in addition to the lands vested in or authorised to be taken by them under this Order, purchase by agreement and hold for extraordinary purposes, any land not exceeding in the whole two acres, but this section or anything herein contained shall not exempt the Trustees from any proceedings on account of any nuisance caused or permitted by them on any land acquired by them under this section.

Power to make works.

18. Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plans and sections as the Board of Trade require from time to time before the completion of the works, in order to prevent injury to navigation, the Trustees may, on the lands taken by them under and vested in them

by this Order, or on any of the lands and in the lines and according to the levels shown on the deposited plans and sections, and within the limits of deviation shown on those plans, make and maintain the works authorised by this Order.

Description of works.

19. The works authorised by this Order include the following works situate within the harbour of Polperro, and in the parishes of Talland and Lansallos, or one of them, in the county of Cornwall, and on the bed and shore of the sea (that is to say):—

(1.) An extension of the existing outer or eastern pier or breakwater of the said harbour from its present termination for a length of sixty-three feet or thereabouts in a south-westerly direction upon or over the foreshore and bed of the harbour;

(2.) A pier on the eastern shore of the harbour opposite the end of the existing outer western pier, commencing at or near high-water mark and extending into the harbour for a length of fifty-three feet or thereabouts, to enable timber baulks to be placed and worked for the protection and security of the inner harbour;

The works above mentioned will be constructed as solid works.

(3.) The removing by dredging, digging, excavating, or otherwise of any rocks, sand, mud, or any materials which may be found necessary or convenient to remove for any purpose connected with the construction of the works aforesaid;

(4.) The removal and discontinuance of the pier known as the inner western or old pier of the said harbour.

Powers deviation.

20. Subject to the provisions of this Order, and with the consent of the Board of Trade, the Trustees may, in the execution of the works by this Order authorised, deviate laterally from the lines of such works within the limits of lateral deviation marked on the deposited plans, and they may deviate vertically from the levels of the said works as shown on the deposited sections to any extent not exceeding five feet.

Construction, improvement, and maintenance of incidental works.

21. Subject to the provisions of this Order, the Trustees may from time to time construct, maintain, alter, and improve quays, piers, shipping places, jetties, wharves, sewers, drains, watercourses, roads, approaches, drops, dolphins, buoys, mooring posts, and other works and conveniences, and may lay down and construct rails, tramways, and sidings on or along the quays, piers, and other works within the harbour, and may alter, dredge, scour, deepen, widen, enlarge, cleanse, improve, and maintain the entrances, channels, and waterways of the harbour, and may blast, cut, dig, and remove rocks, clay, sand, and other substances within the limits of this Order: Provided that no line of tramway constructed under the powers of this Order shall be used for the public conveyance of passengers unless and until the same shall have been inspected and certified by the Board of Trade to be fit for such traffic.

Power to construct houses, &c.

22. The Trustees may also construct and maintain or take on lease all houses, warehouses, offices, sheds, weighing-machines, cranes, and other works, buildings, and conveniences which may be found necessary or desirable in connexion with the harbour and works for the accommodation of vessels and traffic landed at or embarked from the same, and the convenient working thereof.

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Consent of Board of Trade to works.

23. Works authorised by this Order below high-water mark shall not be commenced without the consent in writing of the Board of Trade having been first obtained, and shall be executed only in manner appoved by that Board.

Penalty for obstructing works.

24. Every person who wilfully obstructs any person acting under the authority of the Trustees in setting out the lines of the works by this Order authorised, or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of the works, or defaces or destroys the works or any part thereof shall, for every such offence, be liable to a penalty not exceeding five pounds.

Power to levy rates.

25. When a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary to the due construction of the works authorised by this Order have been given, the Trustees may, subject and according to the provisions of this Order, demand, receive, and recover for the use of the pier and other works, and in respect of the persons, matters, and things described in the schedule to this Order, any sums not exceeding the rates specified in that schedule.

Rates may be levied though works not completed.

26. When and so soon as it shall be at any time or from time to time certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade, and paid by the Trustees, that the works authorised by this Order have been so far completed as to afford increased accommodation for the landing and embarking of passengers and goods by means of such works, the Trustees may, notwithstanding the twenty-fifth section of the Harbours, Docks, and Piers Clauses Act, 1847, and although the whole of the works authorised by this Order shall not then have been completed, demand, receive, and recover such of the rates or such proportion of all or any of the rates specified in the schedule to this Order, as shall in the opinion of the Board of Trade be commensurate to the increased accommodation afforded.

Power to lease rates.

27. The Trustees may, from time to time, lease the rates authorised by this Order for any term not exceeding seven years, to take effect on possession, and for such rent and consideration, and on such terms and conditions as they think fit, and the lessee shall have and may exercise during the continuance of this lease, the same powers of levying and recovering rates and dues as the Trustees have or might exercise under the Harbours, Docks, and Piers Clauses Act, 1847, and this Order.

Power to charge for use of sundry conveniences or services.

28. The Trustees may demand and receive for the use of any buildings machines, works, or conveniences provided by them, or in respect of any services rendered by them for which rates are not specially fixed by the schedule hereto, such sums as the Trustees think reasonable, but so that no preference be in any case given.

Power to compound for rates.

29. The Trustees may from time to time confer, vary, or extinguish exemptions from and compound with any person or persons with respect to the payment of tolls, rates, and duties authorised by this Order, but so that no

preference be in any case given to any person, and that anything done under this section shall not prejudice the other provisions of this Order.

Revision of rates.

30. The Trustees shall from time to time revise the rates received by them under this Order so that the income of the Trustees under this Order may always be so far as practicable sufficient, and not more that sufficient, for the purposes of this Order, and if at any time and from time to time the clear annual income derived from the harbour and works on the average of the then three last preceding years after payment of all expenses and outgoings, shall exceed the amount sufficient to answer the purposes of this Order, the Board of Trade may, if in their discretion they think fit, reduce such rates to such sums as will be sufficient to provide the amount aforesaid, with power to the Board of Trade at any time, and from time to time, to raise them to not exceeding the sums specified in the schedule to this Order.

Annual account to be sent to the Board of Trade.

31. The Trustees within one month after sending to the clerk of the peace the copy of their annual account in abstract (which account shall be made up to the end of the day on the twenty-fifth day of March in each year), shall send a copy of the same to the Board of Trade, and the sixteenth section of the General Pier and Harbour Act (1861) Amendment Act shall apply to and include any and every such account. If the Trustees refuse or neglect to comply with this provision, they shall for every such refusal and neglect be liable to a penalty not exceeding twenty pounds.

Certain fishing vessels under stress of weather exempt from rates.

32. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties or port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom shall, when forced by stress of weather to make use of the piers or harbour, or the works belonging thereto, and not breaking bulk while making use thereof, be exempt from tolls, rates, and duties leviable under this Order.

Board of Trade officers exempt from rates.

33. Officers of the Board of Trade, being in the execution of their duty, shall at all times have free ingress, passage, and egress on, into, along, through, up to, and out of the harbour, piers, and works by land, and with their vessels and otherwise, without payment.

Lifeboat crew exempt from tolls.

34. All persons going to or returning from any lifeboat or using any apparatus for saving life, and being persons either belonging to the crew of the lifeboat, or to the coastguard, or being persons for the time being actually employed in saving life, and also all persons brought ashore from any vessel in distress, shall at all times have free ingress, passage, and egress to or along, and from the harbour and works without payment.

Life-saving apparatus may be attached to works.

35. The officers of the coastguard and all other persons for the time being actually employed in connexion with the lifeboat or the apparatus for saving life, may either permanently or temporarily, and from time to time, without payment, attach or cause to be attached to any part of the piers, harbour, or works, spars and other apparatus for saving life and may also, either in course of using or exercising the apparatus for saving life, fire rockets over the piers, harbour, or works.

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Power to borrow money.

36. The Trustees may borrow at interest, on the credit of the whole tolls, rates, and duties leviable by them, and of the property for the time being vested in them, any sum or sums of money not exceeding in the whole the sum of three thousand pounds, and they may from time to time re-borrow any money borrowed under this Order and discharged. Every part of the money so borrowed shall be applied only for the purposes authorised by this Order to which capital is properly applicable.

Receiver.

37. The mortgagees of the Trustees may enforce the payment of arrears of interest or arrears of principal and interest due on their respective mortgages by the appointment of a receiver, and the amount to authorise a requisition for a receiver shall be three hundred pounds.

Application of rates.

38. The tolls, rates, and duties received under this Order, and all sums of money in the nature of revenue or income vested in the Trustees by this Order, shall be applied by the Trustees in manner and order following, and not otherwise:—

(1.) In paying the expenses of the maintenance, management, and regulation of the harbour, piers, and works for the time being and incident thereto;

(2.) In paying the interest of money borrowed under the authority and for the purposes of this Order, and in providing the sinking fund required by this Order;

(3.) In or towards any addition to or extension of the existing piers and works, and in further improving the harbour and works for the time being or in providing a reserve fund for such purpose;

(4.) Any surplus of the revenue of the Trustees shall be applied in paying off the principal sum, if any, then owing on the credit of the said undertaking.

Parts of Harbours Clauses Act not incorporated.

39. Sections sixteen to nineteen and twenty-three of the Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order, but the Trustees shall, at their own expense, when required by the Board of Trade, provide, to the satisfaction of the Board of Trade, a site near the harbour, and build on such site a house and other proper accommodation for a lifeboat, rocket apparatus, and other life-saving apparatus, and shall be liable to a penalty not exceeding ten pounds for every month during which they omit to provide such accommodation after having been required so to do by the Board of Trade.

Boats not to anchor within harbour.

40. No vessel shall, without the consent of the Trustees or their harbour-master, anchor within the limits of the harbour.

Harbour-master may prevent sailing of vessels.

41. The harbour-master may prevent the removal or sailing out of the harbour of any vessel or boat in respect of which any rates shall have been payable until evidence shall have been produced to him of the payment of such rates to the collector, and until the master or owner of such vessel or boat shall

have given in an account of his take or cargo of fish. Any person disobeying the harbour-master's orders in carrying out the powers hereby conferred shall be liable to a penalty not exceeding ten pounds.

Meters and weighers.

42. The Trustees shall have the appointment of meters and weighers within the limits of the harbour.

Powers to Trustees to purchase or hire dredgers and apparatus.

43. The Trustees may, for the purposes of the works authorised by this Order, or any of them, from time to time, provide, purchase, lease, or hire such steam or other dredgers, engines, tugs, lighters, or other vessels, diving bells, ballast lighters, rubbish lighters, tools, plant, or other materials, as they think fit, and may from time to time demand and receive such sums for the use of the same, as they may think fit, or may sell or dispose of the same, and the money thereby realised shall be applied towards carrying into effect the purposes of this Order, or some of them.

Trustees to be local authority.

44. Within the limits of the harbour the Trustees shall be deemed to be a local authority within the meaning of the Merchant Shipping Act, 1854, and Acts amending the same, and shall have all the powers conferred by those Acts on local authorities for the purposes of this Order.

Byelaws.

45. The Trustees may make byelaws for the regulation and control of vessels and boats within the harbour, and for the regulation and control of the fishermen and other persons and goods and traffic in and at the harbour and works, ground, or property belonging to the Trustees and used for harbour purposes, but such byelaws shall not come into operation until the same have received the allowance and confirmation of the Board of Trade, which shall be sufficient for all purposes.

As to lights during construction of works.

46. Before commencing the works authorised by this Order, the Trustees shall apply to the Board of Trade for directions as to the lights to be exhibited, and shall in all respects obey any direction given upon such application or afterwards from time to time given as to lights by the Board of Trade during the construction of the works; and compliance with the directions so given shall satisfy and be in place of every other statutory requirement as to lights during the construction of the works; and the Trustees shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply, or refuse or neglect to observe, any direction so given.

As to lights after completion of works.

47. After completion or permanent discontinuance or abandonment of the works authorised by this Order, the Trustees shall at the outer extremity of the pier and works, or the completed portions thereof, or in such other place or places as may be required, exhibit from all or any part of the time from sunset to sunrise, and according to the requirements of the traffic and the season of the year, such light or lights (if any) as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond, and shall apply to that corporation for directions as to lighting, and the Trustees shall be liable to a

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penalty not exceeding ten pounds for every calendar month during which they omit so to apply, or refuse or neglect to observe, any such directions.

Provision against danger to navigation.

48. In case of injury to or destruction or decay of the pier or works, or any part thereof, the Trustees shall lay down such buoys, exhibit such lights, or take such other means for preventing (as far as may be), danger to navigation as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond, and shall apply to that corporation for directions as to the means to be taken, and the Trustees shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply, or refuse or neglect to obey, any such direction.

Powers to cease in certain events.

49.—(1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order should not be substantially commenced, the powers by this Order given for executing such works or otherwise in relation thereto shall cease, unless the time for commencement be extended by the special direction of the Board of Trade.

(2.) If the works authorised by this Order, after having been substantially commenced, should be virtually suspended for twelve consecutive calendar months, the powers by this Order given for executing such works or otherwise in relation thereto shall cease, except as to so much of such works as shall be then completed, unless such powers shall, by the special direction of the Board of Trade, be continued and directed to remain in force for any period not exceeding five years from the date of the Act confirming this Order.

(3.) In either of the above cases a certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall for the purposes of this Order be conclusive evidence of the facts stated in such certificate.

Saving rights under Crown Lands Act, 1866.

50. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by the Crown Lands Act, 1866, nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges, without the assent of the Board of Trade having been first obtained.

Saving rights of the Crown.

51. This Order shall not be taken as a consent to the surrender of, nor shall anything in this Order prejudice or affect any property, interests, rights, powers, authorities, or privileges of Her Majesty in right of Her Crown which are under the management of the Commissioners of Her Majesty's Woods, or either of them.

Saving rights of the Duchy of Cornwall.

52. The consent of His Royal Highness the Prince of Wales in right of his Duchy of Cornwall, signified to this Order shall not be taken as a consent to the surrender of, and nothing in this Order contained shall prejudice or affect

any property, rights, powers, authorities, or privileges of His Royal Highness, or of the possessor of the Duchy of Cornwall for the time being.

53. All costs, charges, and expenses of or incidental to the purchase of harbour rights, and of preparing and obtaining this Order, or otherwise incurred in relation thereto, shall be paid by the Trustees. Costs of Order.

54. This Order may be cited as the Polperro Harbour Order, 1894. Short title.

SCHEDULE to which the foregoing Order refers.

PART I.

RATES ON VESSELS AND BOATS USING THE HARBOUR.

	£	*s*	*d.*
1. For every lugger, fishing boat, or boat of any kind or size used or laid up in the harbour, for each foot of keel by the year - - - - - per foot	0	0	6
And no boat to pay less than 5*s.* per year.			
2. For every fishing boat not compounding by the season, and lying in the harbour, for each occasion on entering the harbour, for the first day - - - - -	0	1	0
For every day afterwards - - - - -	0	0	3
3. For every vessel of every description propelled otherwise than by oars, not being fishing boats, for every occasion of entering or using the harbour, for every ton register measurement thereof - - - - - per ton	0	0	2
And if the same shall remain in the harbour more than one month continuously, then for every month or part of a month during which the same shall remain in the harbour, after the first month the sum per ton register measurement of - -	0	0	1
4. For every pleasure boat or steam launch of every description, if entering or using the harbour - - - -	0	0	1
The several sums payable in respect of the items numbered respectively 1, 2, and 3 in the foregoing schedule, shall be considered as due on the first day of January in each year.			

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PART II.

RATES FOR GOODS, &c. SHIPPED, UNSHIPPED, OR TRANSHIPPED WITHIN THE HARBOUR.

		s.	d.
Ale, beer, or porter	per 108 gallons	1	0
„ „ „	per 54 gallons	0	6
„ „ „	per 36 gallons	0	3
„ „ „	per 18 gallons	0	1½
„ „ „ in bottles, quarts	per doz.	0	1
Alabaster	per cubic foot	0	1½
Alkanet root	per cwt.	0	4
Alum	per cwt.	0	1
Almonds	per cwt.	0	3
Aloes	per cwt.	0	4
Amber	per cwt.	0	4
Ambergris	per cwt.	0	4
Anchors	per cwt.	0	1
Anvils	per cwt.	0	1
Apples	per cwt.	0	3
Arrow-root and powder	per cwt.	0	3
Arsenic	per cwt.	0	2
If a ton or upwards	per ton	1	0
Ashes	per cwt.	0	1
Bacon or pork	per cwt.	0	2
Bagging	per cwt.	0	2
Ballast	per ton register	0	2
Bark	per ton	1	6
Baskets	per doz.	0	1
Baskets rods	per thousand	0	3
Bedsteads or beds	each	0	3
Beef or pork	per 304 lbs.	0	6
„ „	per 200 lbs.	0	4
„ „	per 100 lbs.	0	2
Beer, spruce	per 32 gallons	0	8
Bell-metal	per cwt.	0	2
Bellows, smiths'	each	0	6
„ common	per doz.	0	6
Biscuit or bread	per cwt.	0	1
Black Jack	per ton	0	6
Blocks	per doz.	0	1
Blubber	per cwt.	0	1
Bones and bone dust	per ton	1	0
Books	per cwt.	0	4
Bottles, loose, empty	per gross	0	2
Boxes, iron, for wheels	per cwt. or dozen	0	2

		s.	d.
	Bran - - - - - - per ton	1	0
	Brandy - - - - - - per 63 gallons	1	6
	Brass, new - - - - - - per cwt.	0	2
5	„ old - - - - - - per cwt.	0	1
	Bricks - - - - - - per 1,000	1	0
	Brimstone - - - - - - per cwt.	0	1
	Brooms, birch - - - - - per gross	0	2
	Broom and brush handles - - - - per gross	0	3
10	Brush heads and stocks - - - - per 100	0	1
	Brushes (hair, rush, or whalebone) - - - per doz.	0	1
	Buckets - - - - - per doz.	0	1
	Bullion - - - - - per 112 lbs.	1	0
	Butter - - - - - - per 112 lbs.	0	3
15	„ - - - - - per 84 lbs.	0	1½
	„ - - - - - - per 56 lbs.	0	1
	Cakes, linseed or rape - - - - per cwt.	0	1
	Candles - - - - - per chest of 14 doz.	0	4
	„ - - - - per half chest of 7 doz.	0	2
20	Canes - - - - per bundle of 12 doz.	0	3
	Can goods - - - - - per case of 6 doz.	0	1
	Catechu or catch - - - - - - per cwt.	0	1
	Capers - - - - - - per cwt.	0	3
	Carriages or coaches (with four wheels or more) - - each	5	0
25	„ gigs (with two wheels) - - - each	2	6
	Carts - - - - - - each	2	6
	Carts, handcarts - - - - - - each	1	0
	Casks, empty - - - - - each	0	0½
	Cattle, viz. :—		
30	Asses and mules - - - - - each	1	0
	Bulls, cows, and oxen - - - each	1	6
	Calves and lambs - - - - - each	0	6
	Horses - - - - - each	2	0
	Pigs, sheep, and dogs - - - - each	0	6
35	Sucking pigs - - - - - each	0	3
	Cement - - - - - - per cwt.	0	1
	Chairs, common - - - - - per doz.	0	3
	„ mahogany or other best chair - - - - each	0	1
	Charcoal - - - - - per 112 lbs.	0	1
40	Cheese - - - - - - per cwt.	0	1½
	Chemicals, not enumerated - - - - per cwt.	0	3
	Cocoa - - - - - per cwt.	0	3
	Chocolate - - - - - per cwt.	0	3
	Cider or perry - - - - - per 54 gallons	0	6
45	„ „ - - - per doz. quart bottles	0	1
	Citron preserves - - - - - per cwt.	0	3
	China clay - - - - - - per ton	0	6

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		s.	d.
Cloth	per cwt.	0	4
Cloths, linen, woollen, or cotton, in boxes	per cubic foot	0	1
Clocks	per doz.	2	0
Clog soles	per gross	0	6
Clover seed	per cwt.	0	2
Coals, culm, cinders, or coke	per ton	0	3
Cocoa-nuts	per hundred	0	2
Coffee	per cwt.	0	3
Copper	per cwt.	0	2
„ ore	per ton	0	6
Copperas	per cwt.	0	2
Cordials	per case of 1 doz.	0	1
„	per 63 gallons	1	0
Corks	per 10 gross	0	2
Cork	per cwt.	0	2
Corn, viz. :—			
Wheat	per quarter	0	2
Barley	per quarter	0	2
Oats	per quarter	0	2
Flour	per 280 lbs.	0	2
„	per 196 lbs.	0	1½
Bere and bigg	per quarter	0	2
Barley meal	per 200 lbs.	0	1½
Indian corn	per quarter	0	2
„ meal	per 224 lbs.	0	2
Oatmeal	per 224 lbs.	0	2
Beans and peas	per quarter	0	2
Rye	per quarter	0	2
Cotton, raw	per cwt.	0	3
Cradles	each	0	2
Currants	per cwt.	0	2
Dates	per cwt.	0	2
Down, eider	per cwt.	0	9
Drugs, in casks, hampers, or boxes	at per cubic foot	0	1
Dynamite	per cwt.	0	3
Earthenware, in crates	at per cubic foot	0	0¼
Eggs	per cubic foot	0	0½
Emery	per cwt.	0	1
Empty bags and sacks, not returned	per cwt.	0	2
Epsom salts	at per cwt.	0	1
Feathers	at per cwt	0	6
Felt	at per cwt.	0	1
Figs	at per cwt.	0	1
Fish :—			
Pilchards	for every 120 fish	0	0½
„ in casks or cases	per 476 lbs.	0	6

		s.	d.
	Fish—*continued.*		
	Pilchards, in casks or cases - - - per 238 lbs.	0	3
	Herrings - - - - per 1*l.* value or under	0	6
	Mackerel - - - per 1*l.* value or under	0	6
5	Other fresh fish of every description - per 1*l.* value or under	0	6
	Flagstone - - - - - - at per 100 feet	1	2
	Flax, rough - - - - - - per ton	2	0
	„ in hanks - - - - - per 56 lbs.	0	1
	Flower roots, plants, or trees, in package - - at per cubic foot	0	1
10	Freestones - - - - - per ton	1	2
	Fruit, fresh - - - - - per cwt.	0	1
	Furniture, household - - - - at per cubic foot	0	1
	Gates, iron or wood - - - - - each	0	2
	Ginger - - - - - - - per cwt.	0	2
15	„ bread - - - - - per 224 lbs.	0	4
	Glass - - - - - - per 100 cubic feet	0	6
	„ - - - - - - per 50 cubic feet	0	3
	„ plate - - - - per cubic foot	0	1
	Glue - - - - - - - per cwt.	0	2
20	Grapes - - - - - per cwt.	0	3
	Grates or stoves - - - - - per cubic foot	0	1
	Gravel, sand, broken stone, and macadam - - per ton	0	3
	Granite - - - - - - per ton	0	6
	Grease or greaves - - - - - - per cwt.	0	1
25	Groceries not enumerated - - - - per cwt.	0	2
	Gunpowder - - - - per 100 lbs.	0	3
	Guano - - - - - - per ton	0	6
	Haberdashery and hosiery, in bales - - - per cwt.	0	4
	„ „ in boxes - - - per cubic foot	0	1
30	Hair, tanners' - - - - - per cwt.	0	2
	„ bull, cow, ox, goat, and horse - - - per cwt.	0	2
	Hams - - - - - - per cwt.	0	2
	Hardware - - - - - - per cwt.	0	1½
	Harrows - - - - - - each	0	4
35	Hats, in boxes - - - - per cubic foot	0	1
	Hay - - - - - - - per ton	0	6
	Hares and rabbits - - - - - per doz.	0	2
	Hay rakes - - - - - - per doz.	0	2
	Hemp - - - - - - - per ton	2	0
40	Hides, wet or dry - - - for every hundred in number	2	6
	Hide fleshings - - - - - per cwt.	0	2
	„ roundings or glue pieces - - - - per cwt.	0	2
	Honey - - - - - - - per cwt.	0	6
	Hoofs - - - - - - - per cwt.	0	1
45	Hoops for mast, or white hoops - - - per doz.	0	1
	Hoops - - - - - - - per ton	1	6
	Hops - - - - - - per 112 lbs	0	6

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		s.	d.	
Hops	per 56 lbs.	0	3	
„	per 28 lbs.	0	1½	
Horns, ox and cow	per 100	0	2	
Hurdles	per doz.	0	2	5
Ice	per ton	0	6	
Indigo	per cwt.	1	0	
Iron, new bar, angle, and boiler plates	per ton	1	6	
„ pig, old mine materials, and scrap iron	per ton	0	9	
„ manufactured	per cwt.	0	2	10
„ ore	per ton	0	6	
Ivory	per cwt.	1	0	
„ black	per cwt.	0	1	
Junk, or old rope	per cwt.	0	1	
Lard	per cwt.	0	2	15
Laths	per 1,000 of 4 feet and other lengths in proportion	0	2	
Lead ore	per ton	0	6	
„ pigs of	per ton	1	6	
„ sheet	per cwt.	0	1	
„ red, white, and black	per cwt.	0	1	20
Leather, tanned	per cwt.	0	2	
„ wrought	per cwt.	0	3	
Lemons	per 112 lbs.	0	4	
„	per 56 lbs.	0	2	
Lemon, lime, and orange juice	per 63 gallons	1	0	25
Lime, burnt	per ton	0	6	
Limestone	per ton	0	3	
Linen or woollen rags	per cwt.	0	1	
„ cloth	per cwt.	0	2	
Linseed cake, or meal and oil cake	per cwt.	0	1½	30
Logwood chips	per cwt.	0	3	
Machinery, steam, and other engines, any portions of same	per cwt.	0	1½	
Malt	per quarter	0	4	
Manganese	per ton	1	0	
Manure	per ton	0	3	35
Meat, fresh	per cwt.	0	3	
Mineral waters	per gross of 12 doz.	0	4	
Milk	per gallon	0	0½	
Mops and brushes	per doz.	0	2	
Mouldings, in cases	per cubic foot	0	2	40
Muriate of lime, potash, and soda	per cwt.	0	1	
Musical instruments	per cubic foot	0	1	
Muskets	per doz.	0	6	
Mustard	per cwt.	0	3	
Nails	per cwt.	0	1	45
Nutmegs	per cwt.	0	6	
Nuts	per cwt.	0	2	

		s.	*d.*
	Nets - - - - - - per 5 cubic feet	0	2
	Oakum - - - - - - per cwt.	0	1
	Oars - - - - - - per dozen	0	3
5	Ochre - - - - - per cwt.	0	1
	Oil, castor - - - - per cwt.	0	2
	„ mineral - - - - per 36 gallons	0	3
	„ sperm and other oils - - - per 54 gallons	0	6
	„ - - - - - in flasks, per 2 gallons	0	0½
10	„ - - - - in jars of 24 gallons, per jar	0	3
	„ - - - - in jars of 12 gallons, per jar	0	2
	Olives - - - - - per 12 gallons	0	1
	Onions - - - - - per cwt.	1	0
	Oranges - - - - - per 56 lbs.	0	2
15	„ in case - - - - per 112 lbs.	0	4
	Orange and lemon peel - - - - per cwt.	0	2
	Oysters - - - - - per bushel	0	3
	Paints - - - - - per cwt.	0	2
	Paintings and pictures - - - per cubic foot	0	3
20	Paper - - - - - - - per cwt.	0	1½
	Pepper - - - - - - per cwt.	2	0
	Pick hilts - - - - - per gross	1	0
	Pickles - - - - per dozen bottles	0	1
	Pipes, for smoking, in cases or barrels - - per cubic foot	0	1
25	„ draining - - - - - per ton	1	0
	Plaster of Paris - - - - per cwt.	0	1
	Pitch, tar, or resin - - - - - per cwt.	0	3
	Potatoes - - - - - per ton	0	6
	Preserves - - - - - - per cwt.	0	2
30	Preserved meat and fish, in cases - - - per cwt.	0	2
	Prunes - - - - - per cwt.	0	2
	Puncheons, empty, and pipes - - - - each	0	2
	Poultry and game - - - - per dozen	0	2
	Putty - - - - - - per cwt.	0	1
35	Raisins and figs - - - - - per cwt.	0	1
	Rape seed - - - - - per quarter	0	4
	Rags - - - - - - per cwt.	0	2
	Rice - - - - - - - per cwt.	0	1
	Rope wire - - - - - per cwt.	0	2
40	„ yarn - - - - - - per cwt.	0	2
	„ manufactured - - - - per cwt.	0	2
	Rum - - - - - - per 84 gallons	2	0
	Rye grass seed - - - - - per quarter	0	3
	Rails - - - - - - per cwt.	0	2
45	Sago - - - - - - - per cwt.	0	2
	Salt, fine - - - - - - per ton	0	6
	„ coarse, for curing fish - - - - per ton	0	3

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		s.	d.	
Salt, old	per ton	0	3	
Sand	per ton	0	3	
Saltpetre	per cwt.	0	2	
Scythe stone	per 100	0	3	5
Scythes	per dozen	0	2	
Scuttles, coal, copper, or tinplate	per dozen	0	3	
Scoops	per dozen	0	1	
Seeds, garden or agricultural	per cwt.	0	3	
Segars	per cwt.	0	6	10
Shakes	per 112 lbs.	0	3	
Shot, bird	per cwt.	0	2	
Shovel and handles	per dozen	0	1	
Shovels	per cwt.	0	2	
Sieves	per dozen	0	3	15
Silk, raw	per cwt.	1	0	
„ thrown	per cwt.	2	0	
„ waste	per cwt.	0	6	
„ manufactured, in package	per cubic foot	0	3	
Skins	per dozen	0	3	20
Slates, writing	per gross	0	3	
Slates, rag	per dozen	0	1	
Slates, scantle	per 1,000	0	6	
„ common helling	per 1,000	0	4	
„ hearth or tombstones	per cubic foot	0	0½	25
Snuff	per cwt.	0	4	
Soap	per cwt.	0	2	
Soda, sal	per ton	1	0	
Solder and spelter	per cwt.	0	1½	
Soda, carbonate	per cwt.	0	2	30
Spermaceti	per cwt.	0	4	
Spirits of wine (alcoholic) of all sorts	per 63 gallons	1	0	
Spirits and wines (alcoholic) in quart bottles	per dozen	0	1	
Spokes	per cwt.	0	2	
Sponge	per cwt.	1	0	35
Starch	per cwt.	0	2	
Steel	per cwt.	0	2	
Stones, grinding	per cwt.	0	1	
Sugar and sweets	per cwt.	0	1	
Sulphur	per cwt.	0	2	40
Tallow	per cwt.	0	2	
Tea	per cwt.	0	4	
Threshing machines	each	2	6	
Timber, viz.:—				
Fir, pine, and other descriptions not enumerated	per 50 cubic feet	0	6	45
Oak or wainscote	per 50 cubic feet	0	9	
Staves, pipe	per 100	0	3	

		s.	d.
	Timber—*continued.*		
	All other staves - - - - per 1,000	0	6
	Wrought - - - - per 20 cwt.	1	0
5	Boxwood, lignum vitæ, and all other fancy woods - per cwt.	0	1
	Spars under 22 feet long, above 2½ inches, and under 4 inches in diameter - - - - each	0	2
	Spars, 2½ inches in diameter, and under - - each	0	1
	Treenails - - - - - per 1,000	1	6
10	Wedges - - - - per 1,000	1	6
	Mahogany plank - - - - per 20 cwt.	1	6
	Oak plank - - - - per 20 cwt.	1	0
	Handspikes - - - - - per 100	0	6
	Lathwood - - - - per 216 feet	1	6
15	Thrums - - - - - - per cwt.	0	4
	Tiles - - - - - - per ton	1	0
	Tin, in block, ingots, or barrels - - - - per cwt.	0	1½
	„ ore - - - - - - per ton	1	0
	„ plate - - - - - per 112 lbs.	0	2
20	Toys, in boxes - - - - - per cubic foot	0	1
	Treacle - - - - - per cwt.	0	6
	Trees for saddles - - - - - per dozen	0	3
	Trucks, hand - - - - - - each	0	3
	Turnips, mangold wurtzels - - - - per ton	0	6
25	Turpentine - - - - - per cwt.	0	8
	Twine or netting - - - - - per cwt.	0	2
	Types - - - - - - per cwt.	0	4
	Valonia - - - - - - - per ton	2	0
	Varnish - - - - - - per 36 gallons	0	6
30	Vegetables, not enumerated - - - per cwt.	0	2
	Venice turpentine - - - - - per cwt.	0	4
	Vinegar - - - - - per 126 gallons	1	0
	„ - - - - - per 63 gallons	0	6
	Waste - - - - - - - per cwt.	0	1
35	Wax - - - - - - per cwt.	0	2
	Wheelbarrows - - - - - - each	0	2
	Whiting - - - - - - per cwt.	0	1
	Winnowing machines - - - - - each	2	6
	Wool - - - - - - - per cwt.	0	3
40	Zinc - - - - - - - per cwt.	0	2

And all other goods and merchandise not herein enumerated shall pay dues at the rate of 2*l.* 10*s.* per cent. on their invoiced prices.

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PART III.

Rates for use of Cranes, Weighing-Machines, and Sheds.

1.—*Rates on Cranage.*

	£	s.	d.	
All goods or packages not exceeding one ton - - -	0	0	4	5
Exceeding one ton and not exceeding two tons - -	0	0	6	
Exceeding two tons and not exceeding three tons - -	0	0	8	
Exceeding three tons and not exceeding four tons - -	0	0	10	
Exceeding four tons and not exceeding five tons - -	0	1	0	
Exceeding five tons and not exceeding six tons - -	0	1	2	10
Exceeding six tons and not exceeding seven tons - -	0	1	4	
Exceeding seven tons and not exceeding eight tons - -	0	1	6	
Exceeding eight tons and not exceeding nine tons - -	0	1	10	
Exceeding nine tons and not exceeding ten tons - -	0	2	4	
Exceeding ten tons - - - - - - -	0	3	6	15

2.—*Weighing-Machines.*

For goods weighed, for each ton or part of a ton - - -	0	0	2	

3.—*Shed Dues.*

For each 40 cubic feet of goods or for each ton of goods which shall remain in the sheds or other works of the harbour and pier for a longer time than forty-eight hours the sum of 3*d.*, and the sum of 1½*d.* for each day during which such goods shall remain after the first forty-eight hours.				20
For any portmanteau, trunk, parcel, or other article of passengers' luggage, for each day or part of a day - - per package	0	0	2	25

PART IV.

Rates for Water.

Water per 100 gallons or part thereof - - - -	0	0	6	

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PART V.

RATES ON PASSENGERS AND PASSENGERS' LUGGAGE.

	£	s.	d.
For every passenger or other person who shall land on the piers or works from or embark from them on board of any ship, vessel, packet, or passage boat, for each time a sum not exceeding -	0	0	1
Crews of boats and vessels to be exempt from this rate.			
For every trunk, portmanteau, box, parcel, or other package within the description of luggage not exceeding 28 lbs. - - -	0	0	2
Over 28 lbs. and not exceeding 84 lbs. - - -	0	0	4
Over 84 lbs. and not exceeding 112 lbs. - - -	0	0	5
Over 112 lbs. and not exceeding 140 lbs. - - -	0	0	6
Over 140 lbs. and not exceeding 196 lbs. - - -	0	0	7
Over 196 lbs. and not exceeding 2 cwt. - - -	0	0	8
And for every cwt. beyond - - - - -	0	0	4
And for every 20 lbs. in addition - - - -	0	0	1

WHITELINKS.

Whitelinks.

Order for the construction, maintenance, and regulation of a Harbour at Whitelinks, in the parish of Rathen, in the county of Aberdeen.

Incorporation of Harbour Trustees.

1. For the purpose of carrying this Order into execution there shall be a body of Trustees (in this Order referred to as "the Trustees"), to be qualified, nominated, and elected as in this Order provided, and the Trustees and their successors are hereby, for the purposes of this Order, incorporated by the name of the Whitelinks Harbour Trustees, and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes and subject to the provisions and restrictions of this Order.

Interpretation.

2. The several words and expressions to which by the Acts incorporated with this Order meanings are assigned have in this Order the same respective meanings, unless excluded by the subject or context, and in this Order, unless excluded by the subject or context,—

"Persons qualified to vote" means persons resident in the villages of Inverallochy, Saint Combs, or Charlestown, and the landward part of the

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parish of Rathen, as herein-after defined, and the landward part of the parish of Lonmay, as herein-after defined, all in the county of Aberdeen, who shall have been so resident for a period of six months before the date of any election as herein-after provided, and who are entitled to vote in the election of a member of Parliament for East Aberdeenshire, and whose names appear in the list last made up for that purpose before the election of Trustees takes place;

"Landward part of the parish of Rathen" means the whole of the parish of Rathen, except those portions thereof upon which the villages of Inverallochy and Charlestown, or any extension of those villages, are or may be built;

"Landward part of the parish of Lonmay" means the whole of the parish of Lonmay, except that portion thereof upon which the village of Saint Combs, or any extension of that village, is or may be built.

Appointment and election of Trustees.

3. The Trustees shall be thirteen in number. Three shall be representative of the village of Inverallochy, and be nominated from and elected by persons qualified to vote and resident in the village of Inverallochy. Three shall be representative of the village of Saint Combs, and be nominated from and elected by persons qualified to vote and resident in the village of Saint Combs. One shall be representative of the village of Charlestown, and be nominated from and elected by persons qualified to vote and resident in the village of Charlestown. Three shall be representative of the landward part of the parish of Rathen, and be nominated from and elected by persons qualified to vote and resident in the landward part of the parish of Rathen, and three shall be representative of the landward part of the parish of Lonmay, and be nominated from and elected by persons qualified to vote and resident in the landward part of the parish of Lonmay. All the Trustees other than the first Trustees shall be elected and nominated in the manner herein-after provided.

First representative Trustees.

4. The first Trustees shall be Andrew Duthie, fisherman, 2, Frederick Street, Inverallochy; James May, fisherman, 16, Main Street, Inverallochy; and William Strachan, fisherman, 27, Shore Street, Inverallochy, representing Inverallochy. James Buchan, fisherman, 71, Saint Combs; Andrew Buchan, fisherman, 45½, Saint Combs; and John Buchan, fisherman, 54¾, Saint Combs, representing Saint Combs. Peter Cow, fisherman, 17, Charlestown, representing Charlestown; Adam Johnston Birnie, farmer, Cairndenity, Rathen; William Lawrence, merchant, Gowanhill, Rathen; and John Birnie, farmer, Newmill, Rathen, representing the landward part of the parish of Rathen. John Forsyth, farmer, Corskelly, Lonmay; George Watt, farmer, Coralhill, Lonmay; and John Duguid, teacher, Schoolhouse, Lonmay, representing the landward part of the parish of Lonmay, and they shall continue in office until the first election of Trustees.

Future representative Trustees.

5. The following provisions with reference to the election of Trustees shall have effect:—

(1.) One of the Trustees respectively representing the villages of Inverallochy and Saint Combs, and the landward part of the parish of Rathen, and the

landward part of the parish of Lonmay, and the Trustee representing the village of Charlestown shall retire each year, but shall be eligible for re-election ;

(2.) The first election of Trustees shall be held on the first Saturday of January in the year one thousand eight hundred and ninety-six, when the Trustee representing Charlestown, and also one who, unless otherwise arranged, is to be determined by lot, of the Trustees respectively representing the other villages and the parts of the parishes shall retire. On the first Saturday of January in the year one thousand eight hundred and ninety-seven, the Trustee representing Charlestown, and also one, to be in like manner determined by arrangement or by lot, of the two remaining original Trustees respectively representing the other villages and the parts of parishes shall retire, and on the first Saturday of January in the year one thousand eight hundred and ninety-eight, the Trustee representing Charlestown, and also the last of the original Trustees respectively representing the other villages and the parts of parishes shall retire. In subsequent years the Trustee representing Charlestown, and also the Trustee respectively representing the other villages and the parts of parishes who has been three years in office shall retire. Successors to the Trustees retiring shall be annually elected on the first Saturday of January ;

(3.) The election of Trustees shall be held at such places within the parish of Rathen or the parish of Lonmay, as may be appointed for the purpose by the Trustees, and notice of the day, place, and hour shall be given by the Trustees by advertisement, or by public notice in such manner as the Trustees may direct, at least seven clear days before the election ;

(4.) Nominations signed by two persons qualified to vote at the election must be lodged with the clerk to the Trustees at least two clear days before the election;

(5.) At each meeting for the election of Trustees, the chairman of the Trustees or the clerk to the Trustees, or a Trustee to be nominated for the purpose by the Trustees, shall preside. The election may be by show of hands, or by calling the roll or in such manner as the chairman of the meeting may determine, and all questions arising at such meeting or in connexion with the election shall be summarily decided by the chairman. In the event of an equality of votes the chairman of the meeting shall have a casting vote;

(6.) The chairman of each meeting shall report to the Trustees the persons elected as Trustees at such meeting, and a report so made shall be conclusive of the election, and shall not be liable to be questioned by any person whatsoever.

Trustees may resign.

6. Any Trustee may resign office at any time upon giving not less than three weeks' notice in writing of his resignation to the Trustees or their clerk.

Occasional vacancies among Trustees.

7. In case of a vacancy in the office of Trustee by reason of failure to make a valid election, or of any Trustee refusing to accept office, or dying, or resigning, or becoming incapable or incompetent to act, or ceasing to be a Trustee from any cause other than going out of office in the regular course, the remaining

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Trustees shall, as soon as may be thereafter, at a special meeting of the Trustees, elect a person to fill any such vacancy, and the Trustee so elected shall continue in office for the same period as the person whose vacancy he fills would in ordinary course have continued in office, and shall go out of office at the same time, but shall be eligible for re-election. In the case of an equality of votes at any such election, the chairman for the time being of the Trustees shall have a second or casting vote.

Acts of the Trustees not to be invalidated by reason of vacancies.

8. Notwithstanding any vacancy or vacancies in the office of Trustee, the Trustees for the time being shall be competent to act, and all their proceedings shall be as legal and valid as if no vacancy existed, and on the expiration of the term of office of any of the Trustees, they shall continue competent to act until their successors are elected and come into office, but no Trustee shall vote in favour of himself at an election of a Trustee.

Incorporation of Commissioners Clauses Act, 1847.

9. The Commissioners Clauses Act, 1847 (except sections six and seven, and except the provisions thereof relating to the election and rotation of the Trustees where the Trustees are to be elected by the ratepayers or other like class of electors, and except so far as other sections of that Act are inconsistent with this Order), is hereby incorporated with this Order, and that Act shall, so far as the nature and circumstances of the case will admit, apply to the Trustees collectively and severally, subject to the following provision :—

With reference to section thirty-nine of the last-mentioned Act, the prescribed number (constituting a quorum) of the Trustees shall be three.

Meetings of Trustees.

10. All meetings of the Trustees after the first shall be held in such places and at such times as the Trustees shall appoint. The first meeting shall be held at the Mission Hall, Saint Combs, at seven o'clock p.m., on the first Saturday after the expiration of fourteen clear days from the date of the passing of the Act confirming this Order. The annual meeting of the Trustees shall be held in the month of December at such time and place as the Trustees may fix.

Special meetings.

11. The clerk to the Trustees, on requisition being made to him (in writing) stating the object of the intended meeting, and signed by the chairman or two of the Trustees, shall cause special meetings to be called within forty-eight hours, and to be held within four days after such requisition.

The Undertakers.

12. The Trustees shall be the undertakers for the purposes of this Order, and may accordingly carry this Order into effect in all respects.

Incorporation of the Lands Clauses Acts.

13. The Lands Clauses Acts, except so much thereof as relates to the purchase and taking of lands otherwise than by agreement, and to the entry upon lands by the promoters of the undertaking, and except where expressly varied by or inconsistent with the provisions of this Order, are incorporated with this Order.

Power to take lands by agreement.

14. For the purposes of or in connexion with the works authorised by this Order, the Trustees may from time to time by agreement purchase, enter on, take, and use all or such part of the lands below high-water mark shown on the plans deposited with reference to this Order as they may think requisite for the purposes of this Order.

Power to take easements by agreement.

15. Any person or persons, company, corporation, or local authority empowered by the Lands Clauses Acts to sell and convey or release lands,

may, if they think fit, subject to the provisions of those Acts, grant to the Trustees any easement, servitude, right, or privilege (not being an easement, servitude, right, or privilege of water in which other than parties to the agreement have an interest) in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, servitude, rights, and privileges as aforesaid respectively.

Lands for extraordinary purposes.

16. The Trustees may, in addition to the lands which they are authorised to acquire by this Order by agreement, purchase and hold for extraordinary purposes any lands not exceeding in the whole five acres. Provided that this Order, or anything therein contained, shall not exempt the Trustees from any proceedings on account of any nuisance caused or permitted by them on any lands acquired by them under this Order.

Limits of harbour.

17. The limits of the harbour for the purposes of this Order and within which the Trustees shall have authority, and which shall be deemed the limits to which this Order and the power to levy rates extend, shall comprise the harbour and works and the area below high-water mark lying within a distance of three hundred yards from any part of the quays, breakwaters, or other works of the harbour.

Construction of works.

18. Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plans and sections as the Board of Trade may require from time to time before the completion of the works in order to prevent injury to navigation, the Trustees may, on the lands belonging to them or acquired by them under this Order, and in the lines and according to the levels shown on the deposited plans and sections, and within the limits of deviation shown on those plans, execute and maintain the works authorised by this Order, and may within such limits dredge, scour, and deepen the foreshore and bed of the sea to any extent they may find necessary or expedient.

Description of works.

19. The works authorised by this Order include :—

(1.) A breakwater or quay commencing at a point at or near high-water mark three hundred and eighty-eight yards or thereabouts, measuring in an east by south direction from the north-east corner of Cairndenity Farm buildings, situate in the parish of Rathen, in the county of Aberdeen, and extending thence in an east south-easterly direction for a distance of one hundred and eighty-two yards or thereabouts, extending thence in a south-easterly direction for a distance of one hundred and twenty-seven yards or thereabouts, extending thence in a south-easterly by south direction for a distance of one hundred and twenty-three yards or thereabouts, and there terminating on the foreshore or bed of the sea ;

(2.) A spur or quay at right angles to and commencing on the above described breakwater or quay at a point distant six hundred and seventy-six yards or thereabouts, measuring in an east south-easterly direction from the north-east corner of Cairndenity Farm buildings above-mentioned, and extending thence in a south-westerly direction for a distance of thirty-four yards or thereabouts, and there terminating on the foreshore or bed of the sea;

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(3.) A breakwater or quay commencing at a point at or near high-water mark, distant five hundred and sixty yards or thereabouts, measuring in a south-east by southerly direction from the north-east corner of Cairndenity Farm buildings above-mentioned, and extending thence in an east north-easterly direction for a distance of two hundred and eighty yards or thereabouts, extending thence in a north-easterly direction for a distance of ninety-three yards or thereabouts, and there terminating on the foreshore or bed of the sea.

The breakwaters or quays will be solid.

The said works will be situated in the parish of Rathen and county of Aberdeen, and on the foreshore and bed of the sea ex adverso of the said parish and county.

Powers of deviation.

20. In constructing the works by this Order authorised the Trustees may, with the consent in writing of the Board of Trade, deviate laterally from the lines of such works delineated on the deposited plans to any extent not exceeding the limits of deviation marked on the deposited plans, and may deviate vertically from the levels of the said works as defined on the deposited sections, to any extent not exceeding ten feet.

Improvement and maintenance of harbour.

21. Subject to the provisions of this Order the Trustees may from time to time construct, maintain, alter and improve the harbour, and the quays, dockage, piers, jetties, wharves, sewers, drains, watercourses, roads, approaches, streets, and other works and conveniences connected therewith, and may lay down and construct rails, tramways, and sidings on or along the piers, quays, and other works within the harbour, and may alter, dredge, scour, deepen, widen, enlarge, improve, and maintain the entrance, channels, and waterways of the harbour. Provided that any line of tramway constructed under the powers of this Order shall not be used for the public conveyance of passengers unless and until the same shall have been inspected and certified by the Board of Trade to be fit for such traffic.

Consents to works.

22. Works authorised by this Order below high-water mark shall not be commenced without the consent of the Board of Trade having been first obtained in writing, and shall be executed in manner approved by the Board of Trade.

Penalty for obstructing works.

23. Every person who wilfully obstructs any person acting under the authority of the Trustees in setting out the lines of the works authorised by this Order, or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of the said works, or any part thereof, shall for every such offence be liable to a penalty not exceeding five pounds.

Power to levy rates in schedule.

24. When a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required by this Order or otherwise necessary for the due construction of the works authorised by this Order have been given, the Trustees may, subject to the provisions of this Order, for the use of the harbour and works and conveniences connected therewith, demand, recover, and receive in respect of vessels, boats, persons, goods, animals, fish, and things and of services rendered described in the schedule to this Order,

any sums not exceeding the several rates in that schedule mentioned: Provided that before commencing to levy the rates for beaching authorised by this Order, the Trustees shall provide suitable accommodation for beaching boats to the satisfaction of the Board of Trade, and shall thereafter maintain the same to the like satisfaction.

Rates may be levied although works not completed.

25. When and so soon as it shall be at any time or from time to time certified in writing under the hand of any officer to be appointed for the purpose by the Board of Trade and paid by the Trustees, that the works authorised by this Order have been so far executed or completed as to afford increased harbour accommodation by means of such works, the Trustees may, notwithstanding the twenty-fifth section of the Harbours, Docks, and Piers Clauses Act, 1847, and although the whole of the works authorised by this Order shall not then have been completed, demand, receive, and recover such of the rates, or such proportion of all or any of the rates specified in the schedule to this Order as shall, in the opinion of the Board of Trade, be commensurate with the increased accommodation afforded.

Provision as to collection of rates.

26. The Trustees may levy, sue for, and recover the rates for fish brought into the harbour direct from sea either from the persons bringing the same into the harbour, or from the fish salesmen or auctioneers who dispose of such fish, or from the persons purchasing or receiving delivery of the same who shall respectively be entitled to deduct the amount of such rates from the price at which such fish was sold or purchased, and such fish salesmen, auctioneers, and purchasers or receivers of such fish shall, when required, be respectively bound to furnish the Trustees or their collector of rates, with a true account under their hands of the quantity or value of such fish, and to verify the same by the production of their books, and every person who shall refuse to give such account, or who shall subscribe a false account shall be deemed guilty of an offence for which he shall be liable to a penalty not exceeding ten pounds.

Power to vary exemptions from and compound for rates.

27. The Trustees may from time to time confer, vary, or extinguish exemptions from and enter into compositions with any person with respect to the payment of rates authorised by this Order in respect of vessels or boats regularly plying to and from the harbour, but so that no preference be given to any person, and that anything done under this section shall not prejudice the other provisions of this Order.

Revision of rates.

28. The Trustees shall from time to time revise the rates and duties authorised under this Order, so that the income of the Trustees under this Order may always be, so far as practicable, sufficient and not more than sufficient for the purposes of this Order; and if at any time and from time to time the clear annual income of the Trustees on the average of the then three last preceding years, after payment of all expenses and outgoings, shall exceed the amount sufficient to answer the purposes of this Order, the Board of Trade may, if in their discretion they think fit, reduce such rates and duties to such sums as will be sufficient to provide the amount aforesaid, with power to the Board of Trade at any time and from time to time to raise them again to not exceeding the sums specified in the schedule to this Order.

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Master of vessel to report arrival.

29. Within twelve hours after the arrival within the harbour of any vessel liable to rates, the master of such vessel shall report such arrival to the collector of rates, and if he fails to make such report within the time aforesaid and after he has been required to do so by the collector, he shall be liable to a penalty not exceeding ten pounds.

Master to give an account of cargo.

30. The master of every vessel shall, on his arrival in the harbour and before unloading any part of his cargo, and immediately after being loaded, be obliged to give in to the collector of rates or to such person as the Trustees shall appoint, an exact and full account of his cargo by producing his bills of lading or his manifest or intake account, or a true copy thereof, and such other documents as the collector shall deem necessary and demand for ascertaining the true contents thereof, and every person failing so to do or not delivering a just and true account of his cargo both outwards and inwards as aforesaid, shall for every such offence forfeit and pay any sum not exceeding ten pounds over and above the whole rates and dues payable in respect of such loading and unloading.

Masters of fishing boats to report arrival and give account of take of fish.

31. The master or owner, or one of the owners, of every fishing boat shall, within twelve hours of their arrival in the harbour, forthwith report the same to the harbour master or collector of rates, and shall furnish to the collector a true and accurate statement of his take of fish, and the name of the person obtaining delivery thereof, and if he fail to do so he shall be liable to a penalty not exceeding ten pounds.

Harbour master may prevent sailing of vessels when rates have not been paid.

32. The harbour master may prevent the removal or sailing out of the harbour of any vessel in respect of which any rate or due shall have been payable until evidence shall have been produced to him of the payment of such rate or due to the collector of rates, and until the master or owner, or one of the owners, shall have given a statement of his take of fish, as required by the last preceding section hereof.

Trustees may provide and license steam tugs.

33. The Trustees may from time to time build, purchase, contract for, or hire, and may maintain, use, and let steam tugs or other power for the use and accommodation of vessels frequenting the harbour, and may also from time to time license such number of steam tugs or other power belonging to any person for such period and on such terms and conditions as they think fit.

Charges for use of steam tugs.

34. The Trustees may from time to time, with the approval of the Board of Trade, fix such rates and charges as appear to them reasonable for or in respect of the use of such steam tugs or other power maintained, used, and let or licensed by them, and such rates or charges shall be paid by the owner, agent, master, consignee, or other person having charge of the vessel obtaining assistance of such steam tug or other power to the Trustees, or their lessee, or to the person with whom they contract, or to the owner of such steam tug or other power if licensed by the Trustees, as the case may be, and such rates and charges shall be due and payable whether such steam tug or other power shall be actually employed or not, provided the assistance thereof shall have been required, and shall, in consequence of a requisition, have been tendered by the master or other person having command of such steam tug or other power.

35. The Trustees may demand and receive such rates or other consideration as they may think reasonable for any special services rendered by them, and for the use of any warehouses, sheds, buildings, yards, works, and conveniences belonging to them in respect of which rates are not specially fixed in the schedule to this Order.

Rates for use of warehouses, &c.

36. The Trustees within one month after sending to the sheriff clerk the copy of their annual account in abstract (which account shall be made up to the end of the day on the twenty-fifth day of October in each year), shall send a copy of the same to the Board of Trade, and section sixteen of the General Pier and Harbour Act, 1861, Amendment Act, shall apply to and include any and every such account. If the Trustees neglect or refuse to comply with this provision, they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds.

Annual account to be sent to Board of Trade.

37. Fishing vessels belonging to countries with which for the time being treaties exist, exempting from duties or port charges such vessels when driven by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the harbour and works, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Certain fishing vessels under stress of weather exempt from rates.

38. The Secretary for Scotland, and any person or persons deputed by him, and officers of the Board of Trade, and of the Fishery Board for Scotland, being in the execution of their duty, shall at all times have free ingress, passage, and egress to, in, through, and out of and from the harbour and works by their vessels and otherwise without payment.

Certain officers exempt from rates.

39. All persons going to or returning from any lifeboat, or using any apparatus for saving life, or being persons either belonging to the crew of the lifeboat or to the coastguard, or being persons for the time being actually employed in saving life, and also all persons brought ashore from any vessel in distress, shall at all times have free ingress, passage, and egress to, or along and from the harbour and works without payment.

Lifeboat crews exempt from rates.

40. The officers of the coastguard and all other persons for the time being actually employed in connexion with the lifeboat or the apparatus for saving life, may, either permanently or temporarily, and from time to time, without payment, attach or cause to be attached to any part of the breakwaters, harbour, or works, spars, and other apparatus for saving life, and may also, either in course of using or exercising the apparatus for saving life, fire rockets over the breakwaters, harbour, or works.

Apparatus for saving life may be attached to pier.

41. The Trustees may from time to time lease the rates and dues authorised by this Order for any period not exceeding seven years from the date of the lease, and for such rent and consideration and on such terms and conditions as they think fit, and the lessee shall have and may exercise during the continuance of his lease the same powers of levying and recovering rates and dues as the Trustees have or might exercise under the Harbours, Docks, and Piers Clauses Act, 1847, and this Order, and shall be subject to all the provisions as to accounts and otherwise to which the Trustees are made subject under this Order.

Power to lease rates.

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Power to borrow.

42. The Trustees may from time to time borrow and re-borrow at interest such money as may be required for the purpose of or in connexion with this Order, not exceeding in the whole the sum of thirty-eight thousand pounds, on the security of the rates authorised by this Order, and of the lands and other property acquired by them, or they may accept and take from any bank or banking company credit for any amount not exceeding the said sum of thirty-eight thousand pounds on a cash account to be opened and kept in the name of the Trustees according to the usage of bankers in Scotland, and the Trustees may grant bonds and assignations of the said rates and bonds and dispositions or bonds and dispositions and assignations over the said lands and other property, in security for the repayment of the moneys so borrowed, or of the amount of such credit, or of the sums advanced from time to time on such cash account, with interest thereon respectively.

Reborrowing.

43. Any money borrowed under this Order and discharged otherwise than by means of a sinking fund or by instalments, may be re-borrowed if required for the purposes of this Order, and so from time to time.

Application of money borrowed.

44. All money borrowed under this Order shall be applied only for the purposes of this Order to which capital is properly applicable, and not otherwise.

Application of revenues

45. The rates received by the Trustees under this Order and the other harbour revenues shall be applied for the purposes and in the order following, and not otherwise (that is to say):—

(1.) In paying the costs, charges, and expenses of or incident to preparing and obtaining this Order, or otherwise incurred in relation thereto;

(2.) In paying any feu duties or rents payable in respect of the lands and other property (if any) belonging to or leased by the Trustees in connexion with the harbour, and in paying the expenses of the maintenance, repair, management, and regulation of the harbour, and in defraying the other expenses of the Trustees properly incurred in relation to the harbour, including the cost of borrowing money under this Order;

(3.) In paying year by year the interest of money borrowed by the Trustees for the purposes of this Order;

(4.) In forming a sinking fund for payment of principal money borrowed under this Order;

(5.) In forming and maintaining a contingency fund, not exceeding ten thousand pounds, if the Trustees think fit, for providing for accidents to the harbour;

(6.) In paying off any other debts contracted or to be contracted by the Trustees;

(7.) In further improving, deepening, and extending the harbour, and carrying into effect the purposes of this Order.

Sinking fund.

46. The Trustees shall every year appropriate and set apart out of the harbour revenues such a sum as will, with the accumulations thereof by way of compound interest, be sufficient to pay off the whole of the principal moneys borrowed under this Order within fifty years after the same are respectively borrowed.

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Annual return to Board of Trade with respect to sinking fund.

47. The clerk to the Trustees shall, within two months after the expiration of each year during which any sum is required to be set apart for a sinking fund under this Order, transmit to the Board of Trade a return in such form as may be prescribed by that Board, and verified by statutory declaration, if so required by them, showing the amount which has been invested for the purpose of such sinking fund during the year preceding the making of such return, and the description of the securities upon which the same has been invested, and also showing the purpose to which any portions of the moneys invested for the sinking fund and the interest thereof have been applied during the same period, and the total amount remaining invested at the end of the year; and, in the event of any wilful default in making such return, such clerk shall be liable to a penalty not exceeding twenty pounds. If it appear to the Board of Trade by such return, or otherwise, that the Trustees have failed to set apart in accordance with the provisions of this Order the sum required by this Order for the sinking fund, or have applied any portion of the moneys set apart for that fund or any interest thereof, to any purposes other than those authorised by this Order, the Board of Trade may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made, shall be set apart and invested as part of the sinking fund, and such order shall be enforceable by decree of either Division of the Inner House of the Court of Session in Scotland in a summary application presented for that purpose.

Contingency fund.

48. The Trustees may yearly, if they think fit, for the purpose of forming and maintaining a contingency fund to meet any unforeseen accident or extraordinary damage which may happen or be caused to the harbour, appropriate and set apart the surplus revenue of the harbour (if any) after meeting the ordinary expenditure and interest and sinking fund as herein provided for, and shall deposit the same in some joint stock bank of issue in Scotland, to be increased by accumulation in the way of compound interest or otherwise to a sum not exceeding ten thousand pounds, until required for the aforesaid purposes, and to be applied as required for the maintenance of the harbour.

Power of Trustees to purchase or hire dredgers or apparatus.

49. The Trustees may for the purposes of the works authorised by this Order, or any of them, from time to time provide, purchase, lease, or hire such steam or other dredgers, engines, tugs, lighters, or other vessels, diving bells, ballast lighters, rubbish lighters, tools, plant, or other materials as they think fit, and may from time to time demand and receive such sums for the use of the same as they may think fit, or may sell or dispose of the same, and the money thereby realised shall be applied towards carrying into effect the purposes of this Order, or some of them.

Portion of Harbours Clauses Act excepted.

50. Sections sixteen to nineteen of the Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order, but the Trustees shall, whenever required by the Board of Trade, provide at their own expense, to the satisfaction of the Board of Trade, a site near the harbour, and build on such site a house and other proper accommodation for a lifeboat, rocket apparatus, and other life-saving apparatus, and shall be liable to a penalty not exceeding

ten pounds for every calendar month during which they omit to provide such accommodation after having been required so to do by the Board of Trade.

Meters and weighers may be licensed.

51. The Trustees may appoint and license a sufficient number of persons to be meters and weighers at and within the harbour.

Trustees to be local authority.

52. For the purposes of this Order the Trustees shall be a local authority within the meaning of the Merchant Shipping Act, 1854, and Acts amending the same, and all the powers conferred by those Acts on local authorities shall be vested in the Trustees for the purposes of this Order.

Boats not to anchor within harbour.

53. No vessel or boat shall, without the consent of the Trustees or their harbour master, anchor within the limits of the harbour.

Byelaws.

54. The Trustees may make byelaws for the regulation and control of vessels and boats within the harbour, and for the regulation and control of the fishermen and other persons and goods and traffic in and at the harbour and works, ground, or property belonging to the Trustees and used for harbour purposes, but such byelaws shall not come into operation until the same have received the allowance and confirmation of the Board of Trade, which shall be sufficient for all purposes.

Temporary lights on works.

55. Before commencing the works authorised by this Order the Trustees shall apply to the Board of Trade for directions as to the lights to be exhibited, and shall, in all respects, obey any direction given upon such application, or afterwards from time to time given as to lights by the Board of Trade during the construction of the works, and compliance with the directions so given shall satisfy and be in lieu of every other statutory requirement as to lights during the construction of the works, and the Trustees shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply, or refuse or neglect to observe any direction so given.

Lights after completion of works.

56. After the completion or permanent discontinuance or abandonment of the works authorised by this Order, the Trustees shall, at the outer extremity of the harbour, quays, and works, or the completed portions thereof, or in such other place or places (if any) as may be required, exhibit during all or any part of the time from sunset to sunrise, and according to the season of the year and the requirements of the traffic, such light or lights (if any), as shall from time to time be directed by the Commissioners of Northern Lighthouses, and shall apply to those Commissioners for directions as to lighting, and the Trustees shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse or neglect to obey any direction given as to lights.

Provision against danger to navigation.

57. In case of injury to or destruction or decay of the breakwaters, quays, or works, or any part thereof, the Trustees shall lay down such buoys, exhibit such lights, or take such other means for preventing, so far as may be, danger to navigation, as shall from time to time be directed by the Commissioners of Northern Lighthouses, and shall apply to those Commissioners for directions as to the means to be taken, and the Trustees shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

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Powers to cease in certain events.

58.—(1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order should not be substantially commenced, the powers by this Order given for executing such works or otherwise in relation thereto shall cease unless the time for commencement be extended by the special direction of the Board of Trade.

(2.) If the works authorised by this Order, after having been substantially commenced, should be virtually suspended for twelve consecutive calendar months, the powers by this Order given for executing such works or otherwise in relation thereto shall cease, except as to so much of such works as shall be then completed, unless such powers shall, by the special direction of the Board of Trade, be continued and directed to remain in force for any period not exceeding five years from the date of the Act confirming this Order.

(3.) In either of the above cases a certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall, for the purposes of this Order, be conclusive evidence of the facts stated in such certificate.

Saving rights under Crown Lands Act, 1866.

59. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by the Crown Lands Act, 1866, nor shall any works under this Order be commenced within the limits affected by any such rights, interests, powers, authorities, or privileges without the assent of the Board of Trade having been first obtained.

Saving rights of Crown under Crown Lands Act.

60. Nothing contained in this Order, or to be done under the authority thereof, shall in any manner affect the title to any of the subjects, or any rights, powers, or authorities mentioned or reserved by sections twenty-one and twenty-two of the Crown Lands Act, 1866, and belonging to or exerciseable on behalf of Her Majesty, Her heirs or successors.

For protection of salmon fishings belonging to Crown.

61. It shall not be lawful for the Trustees to construct any work on any land over which a right of salmon fishing belongs to Her Majesty, without the previous consent in writing of the Commissioners or Commissioner for the time being of Her Majesty's Woods, Forests, and Land Revenues, having the management of the Land Revenue of the Crown of Scotland, and such consent may be given on payment of such compensation as may be agreed upon for any injury which the works by this Order authorised may be reasonably expected to occasion to any such right of salmon fishing as in this section mentioned, and in case the amount of such compensation as aforesaid shall not be agreed upon, the same shall be settled by two referees, one being appointed by the said Commissioners or Commissioner, and one being appointed by the Trustees, or by an umpire to be appointed by the said referees, and the charges and expenses of such referees or their umpire shall be paid by the Trustees.

Compensation to be made by Trustees for injury to salmon fishings.

62. The Trustees shall make compensation for the damage or injury (if any) which may be sustained by Her Majesty or Her tenants in respect of any right of salmon fishing through the exercise of the powers of this Order, although the works causing such injury or damage may be constructed elsewhere than on any

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land over which a right of salmon fishing belongs to Her Majesty. The amount of such compensation shall be subject to the provisions of the immediately preceding section of this Order.

Costs of Order.

63. All the costs, charges, and expenses of or incident to preparing and obtaining this Order, or otherwise incurred in relation thereto, shall be paid by the Trustees.

Short title.

64. This Order may be cited as the Whitelinks Harbour Order, 1894.

The SCHEDULE to which the foregoing Order refers.

I.—Rates on Vessels using the Harbour, exclusive of their Cargoes.

	£	s.	d.
1. Vessels entering and loading or discharging at the harbour, per register ton	0	0	4
2. Pleasure yachts entering the harbour not carrying goods or passengers for hire, per register ton	0	0	3
3. Vessels entering the harbour for safety or wind-bound, and which shall not unload any goods or cargo, per register ton	0	0	2
4. Vessels remaining in the harbour beyond one month shall be liable in repetition of the above rates for every month or part of a month they may remain beyond the first month.			

II.—Rates on Fishing Boats and Fishing Vessels using the Harbour.

	£	s.	d.
1. Boats or vessels employed at the herring fishery at the harbour for the herring fishing season, payable on or before the twenty-sixth July—			
If under thirty tons register, each	1	0	0
If thirty tons register or above, each	1	5	0
Note.—The herring fishing season shall from time to time be fixed by the Trustees, and notice thereof shall be posted in some conspicuous place at the harbour.			
2. Boats or vessels prosecuting the white or other fishing other than the herring fishing at the harbour—			
If manned by six hands or more—			
From the first October to first January, each	0	10	0
From the first January to first April, each	0	10	0
From the first April to first July, each	0	10	0
If manned by less than six hands, for each of those periods, each	0	5	0

	£	s.	d.
3. Boats or vessels not employed at the regular fishings at the harbour as above, but which shall load or discharge herrings or other fish on entering the harbour, each time, each - -	0	2	0
4. Boats or vessels loading or discharging any other cargo than fish on entering the harbour, each time—			
If under thirty tons register, each - - - -	0	3	0
If thirty tons register or above, the same as other trading vessels.			
5. Boats or vessels coming into the harbour for safety or wind-bound, but which shall not load or unload any fish or other cargo, each time—			
If under thirty tons register, each - - - -	0	1	0
If thirty tons or above and under fifty tons, each - -	0	2	6
If fifty tons or above, same as trading vessels.			
6. Boats or vessels fitting out for or returning from other fishing stations not paying dues as above, including dues on furniture, each - - - - - - - -	0	2	6

III.—Rates on Goods shipped, transhipped, or unshipped in the Harbour.

Articles of Export or Import.	Weight or Measure.	Rates. s.	Rates. d.
A.			
Ale and beer - - - - -	per 3 gallons -	0	$0\frac{1}{2}$
„ „ bottled - - -	per cwt. - -	0	6
Alum - - - - - -	per cwt. - -	0	$1\frac{3}{4}$
Anchors - - - - -	per ton - -	5	0
Ashes - - - - -	per ton - -	2	0
Asphalte and bitumen - - -	per ton - -	1	3
Aerated water, all kinds - - -	per ton - -	1	8
B.			
Bacon or hams - - - -	per ton -	3	4
Ballast - - - - - -	per ton - -	0	2
Barilla - - - - -	per ton - -	3	0
Bark, oak - - - - -	per ton - -	2	6
Barley, and all other grotts - -	per ton - -	2	0
Barrels, empty herring - - -	each - -	0	1
Baskets, under twelve inches diameter - -	per dozen - -	0	6
„ above „ „ - -	per dozen - -	1	0

Articles of Export or Import.	Weight or Measure.	Rates. s.	Rates. d.
Basket rods	per cwt.	0	2
Beef or pork (fresh or salt)	per ton	3	6
Beer, black or spruce	per 3 galls.	0	2
Billiard table	per cwt.	0	2
Biscuits	per ton	3	0
Blacking	per cwt.	0	6
Bleaching salts	per cwt.	0	2¼
Blubber	per 252 galls.	3	0
Bones (crushed or uncrushed)	per ton	1	6
Books and stationery	per cwt.	0	4
Bottles	per cwt.	0	4
„ broken	per ton	0	6
Boxwood	per cwt.	0	1¾
Bran	per ton	1	0
Brass	per ton	2	0
Bricks	per 1,000	0	10
Brimstone	per ton	2	0
Bristles	per cwt.	0	9
Brooms (common)	per dozen	0	2
Bulrushes	per cwt.	0	8
Butter	per cwt.	0	9
Boxes (empty)	each	0	1
C.			
Candles	per ton	3	6
Canvas	per cwt.	0	2
Carpets, rugs, and upholstery articles	per ton	2	6
Cane reeds	per cwt.	0	3
Carboys, empty	each	0	1
Carriages with springs, under 5 cwt.	each	3	0
„ „ 5 cwt. and under 7½ cwt.	each	5	6
„ „ 7½ cwt. and under 10 cwt.	each	7	6
„ „ 10 cwt. and above	each	10	0
Carrots	per ton	1	0
Casks, boxes, sacks, and kits, empty, except returned empties, as provided for in the notes to this schedule	each	0	1
Cattle	each	1	6
Calves	each	0	6
Horses	each	2	0
Ponies under 12 hands	each	1	0
Asses or mules	each	1	0
Pigs	each	0	3
Sheep and lambs	each	0	6
Small cattle	each	0	8
Cement	per ton	1	6
Chalk	per ton	1	6
Cheese	per ton	2	6
Chimney tops	each	0	1
Chocolate	per cwt.	1	0
Cider	per 3 gallons	0	0½
Cinders and charcoal	per ton	0	9
Clay, viz. :—china or stone	per ton	1	0

	Articles of Export or Import.	Weight or Measure.	Rates. s.	Rates. d.
	Clay pipes	per ton	1	0
	Clocks	each	1	0
5	Clothing, haberdashery, silk mercery, &c., not otherwise enumerated	per ton	3	0
	Coals	per ton	0	6
	Cocoa	per cwt.	4	0
	Cocoa nuts	per 100	0	4
10	Coffee	per cwt.	0	3
	Coke	per ton	0	10
	Confections of all kinds	per cwt.	0	2
	Copper	per ton	3	0
	„ old	per ton	2	0
15	„ ore	per ton	1	0
	Copperas	per cwt.	0	1¾
	Colours	per cwt.	0	1¾
	Cordage	per ton	2	6
	„ old, not in use	per ton	1	0
20	Cork wood and corks	per ton	3	4
	Corn and meal, viz.:—			
	Barley and bigg	per ton	1	4
	Bere and meal	per ton	1	6
	Beans	per ton	1	4
25	Indian corn	per ton	1	4
	Indian meal	per ton	1	6
	Malt	per ton	2	8
	Oats	per ton	1	4
	Oatmeal	per ton	1	6
30	Peas	per ton	1	6
	Rye	per ton	1	4
	Wheat	per ton	1	6
	Cotton wool, &c.	per ton	5	0
	Crystal	per ton	5	0
35	Cutch	per ton	3	4
	D.			
	Dogs	each	0	6
	Drugs	per cwt.	0	4
	Dung	per ton	0	4
40	**E.**			
	Earthenware	per ton	2	6
	Eggs	per cwt.	0	3
	Emery and emery stones	per cwt.	0	3
	F			
45	Feathers	per ton	10	0
	Felt	per ton	2	6
	Fish, dried	per cwt.	0	3
	„ pickled or salted	per cwt.	0	2

A.D. 1894

Whitelinks.

Articles of Export or Import.	Weight or Measure.	Rates. s.	Rates. d.
Fish, fresh haddock, cod, ling, and fish not enumerated	per cwt.	0	2
„ offal	per ton	0	6
Flax	per cwt.	0	2
Flour	per ton	2	8
Flower roots	per cwt.	0	2
Flint stones	per ton	0	6
Fruit, viz.:—			
Apples, pears, and berries	per cwt.	0	3
Plums, cherries, and grapes	per cwt.	0	4
Melons	per cwt.	0	2
Peaches	per 100	0	2
All not enumerated	per 10*l.* value	0	10
Furniture, household	per 10*l.* value	1	0
Furriers' waste	per ton	0	4
G.			
Game, viz.:—			
Hares	each	0	2
Rabbits	each	0	1
All others	each	0	2
Ginger	per cwt.	0	3
„ preserved	per cwt.	0	6
Glass of all descriptions	per cwt.	0	2
Glue	per cwt.	0	4
Grates, stoves, &c.	per ton	3	6
Grease	per ton	2	6
Groceries, all kinds not enumerated	per cwt.	0	3
Gunpowder	per cwt.	0	3
Guano	per ton	1	6
H.			
Hair, all kinds	baken, per cwt.	0	4½
	plasterers', per ton	2	0
Hardware	per cwt.	0	2
Hats	per dozen	0	6
Hay	per ton	1	6
Hemp	per ton	3	6
Herrings, imported	per 37½ gallons	0	4
„ exported	per 26⅔ gallons	0	2
Hides, raw	per cwt.	0	2
Honey	per cwt.	0	3
Hoops of wood	per 1,000	0	10
Hops	per cwt.	0	6
Horns, slugs, and tips	per 1,000	1	8
Husbandry implements	per ton	1	4
I.			
Iron, viz.:—			
Bar, plate, bolt, and rod	per ton	2	0
Forged made work and hoops	per ton	3	4

Articles of Export or Import.	Weight or Measure.	Rates.
		s. *d.*
Iron—*cont.*		
Old	per ton	1 3
Old and broken goods	per ton	0 6
Cast-iron goods	per ton	2 6
Wire	per cwt.	0 2
Pig	per ton	1 0
K.		
Kelp	per ton	1 0
Kiln pavement	per 30 cubic feet	0 4
L.		
Lard	per ton	2 0
Lead	per ton	2 0
„ black	per ton	2 0
„ ore	per ton	2 0
„ red and white	per ton	2 0
„ shot	per ton	3 0
„ sugar of	per cwt.	0 2
Leather, tanned and dressed	per cwt.	0 3
Lemons	per cwt.	0 4
Lignum vitæ	per ton	3 0
Lime	per ton	0 6
Loam	per ton	0 4
M.		
Machinery	per cwt.	0 2
Manures, manufactured and not otherwise enumerated	per ton	1 6
Mats and basses	per dozen	0 1
Mill waste	per ton	2 0
Molasses	per ton	2 0
Mussels	per ton	0 6
N.		
Nuts, all kinds (except cocoa)	per cwt.	0 3
O.		
Oakum	per ton	3 0
Ochre	per cwt.	0 1½
Oil, all kinds	per ton	3 4
Oilcake	per ton	2 0
Onions	per cwt.	0 3
Oranges	per cwt.	0 4
Oysters	per cwt.	0 3

Articles of Export or Import.	Weight or Measure.	Rates. s.	Rates. d.
P.			
Peats	per ton	0	3
Paper	per cwt.	0	2
Passengers entering or leaving harbour, baggage of	per cwt.	0	2
Pewter	per ton	2	0
„ old	per ton	1	8
Pianoforte	per 10*l.* value	1	0
Pictures under two feet square	each	0	6
„ two feet and under four feet	each	1	0
„ four feet and upwards	each	2	0
Pigs' head	per cwt.	0	0¾
Pipes, drain, under three inches diameter	per 1,000	0	6
„ „ above „ „	per 1,000	0	9
„ „ collars	per 1,000	0	3
„ „ spigot and faucet clay glazed	per ton	1	0
NOTE.—Drain tiles and mugs, one-third less.			
Pipes, tobacco	per cwt.	0	4
Pitch	per cwt.	0	2
Plants, nursery and garden, all kinds	per cwt.	0	4
Plaster of Paris	per ton	2	8
Porter	per ¼ gallon	0	0¼
„ bottled	per cwt.	0	6
Potatoes	per ton	1	0
Poultry, all kinds	each	0	1
Provisions, preserved, all kinds	per cwt.	0	2
Pumice stones	per cwt.	0	3
R.			
Rags	per ton	2	0
Rice	per cwt.	0	2
Rosin	per ton	2	6
S.			
Saddlery, all kinds	per cwt.	0	3
Salt, in bulk	per ton	1	0
„ rock	per ton	0	9
„ saltpetre and Glauber salt	per ton	3	4
„ in barrel, including dues of barrel	per ton	1	4
Salmon	per cwt.	0	6
Seed, viz.:—			
Rape and flax	per cwt.	0	1
Clover	per cwt.	0	3
Rye grass	per ton	3	4
Shoes of all kinds	per ton	3	0
Sheep skins with wool	per cwt.	0	3
„ pelts	per cwt.	0	2
Slates, large	per 1,000	1	4
„ sizeable	per 1,000	0	10
„ small	per 1,000	0	6
Snuff	per cwt.	0	6
Soap	per ton	2	0

	Articles of Export or Import.	Weight or Measure.	Rates. s.	Rates. d.
	Soda	per ton	1	6
	Spades or shovels	per dozen	0	1
5	Spirits of all kinds	per gallon	0	0¼
	Starch	per cwt.	0	3
	Steel	per ton	3	0
	Straw	per ton	1	0
	Stones, viz.:—			
10	Freestone, building	per ton	0	5
	Polished granite	per ton	2	6
	Causeway granite	per ton	0	3
	Kerb, pavement, and building	per ton	0	5
	Rubble and chips	per ton	0	2
15	Rigging stones	per 100 running feet	1	6
	Flagstones	per ton	0	9
	Gravestones	each	3	0
	Marble	per ton	3	0
	Scythe stones	per cwt.	0	2
20	Grindstones	each	0	4
	Millstones	each	0	6
	All other descriptions except flint	per ton	1	0
	Stucco	per ton	1	8
	Sugar, all kinds	per ton	1	8
25	Stoneware, all kinds	per cwt.	0	2
	T.			
	Tallow	per ton	2	0
	Tanners' waste	per ton	1	1
	Tar, coal	per 39 gallons	0	1
30	„ Archangel	per 26½ gallons	0	2
	Tea	per cwt.	0	6
	Tiles, roofing	per 1,000	1	0
	Tin of all kinds	per ton	2	0
	„ plates	per ton	2	0
35	Tobacco, in leaf	per cwt.	0	2¼
	„ manufactured	per 100 lb.	0	4½
	„ stalks	per cwt.	0	3
	Tongues, smoked	per dozen	0	1½
	„ pickled	per cwt.	0	4
40	Toys	per cwt.	0	3
	Tree-nails	per 1,000	1	6
	Turnery	per 10*l.* value	0	10
	Turnips	per ton	0	6
	Twine	per cwt.	0	3
45	Tow, all kinds	per ton	1	6
	V.			
	Vases or sculptured marble	per cwt.	0	3
	Vinegar	per gallon	0	0¼
	Vitriol	per gallon	0	0½
50	Varnish	per cwt.	0	2
	Veneers, all kinds	per cwt.	0	4
	Vegetables	per ton	0	6

Articles of Export or Import.	Weight or Measure.	Rates.
		s. *d.*
W.		
Whalebone or whalefins	per ton	3 4
Wheels, coach, carriage, or cart	per pair	0 9
Whitening	per ton	0 10
Willow reeds	per cwt.	0 2
Wine	per gallon	0 0¼
„ bottled	per cwt.	0 6
Wood :—		
Herring barrel billets	per ton	1 0
„ staves	per 1,000 superficial feet	1 4
All other kinds not enumerated	per 1*l.* value	0 4
Wool	per ton	3 4
Y.		
Yarn, viz. :—		
Lint and cotton	per ton	4 6
Hemp	per ton	3 6
Worsted	per ton	4 6
Z.		
Zinc	per ton	2 0

All goods or articles not enumerated in the foregoing Schedule 2*d.* per cwt.

NOTES WITH REFERENCE TO THE FOREGOING SCHEDULE.

1. All empty boxes, barrels, sacks, and packages returned to the original shipper within three months from date of import are exempted from rates.
2. All goods landed from any vessel and re-shipped in the same or another vessel in the original packages, and without being transferred from the lander, or if the said goods have been put into other packages from the original packages having been destroyed or damaged, shall only pay rates on landing, and may be re-shipped in the same or another vessel upon her departure outwards without paying rates again.
3. The personal luggage of each passenger landing from any vessel within the harbour not exceeding two hundredweight in weight shall be exempted from rates.
4. If any goods for which rates shall have been paid when loaded shall from any accident or otherwise be unloaded, no rates shall be charged a second time for such goods on being re-loaded.
5. Goods of all descriptions rated by weight shall be charged according to gross weight, fractional parts of any weight, measure, number or value shall be charged proportionately, and the minimum charge for a single package shall be one penny.

IV. Rates for the use of Sheds, Cranes, Weighing Machines, Warps, &c.

1. *Sheds.*

For each ton of goods which shall remain in any shed or on any quay or pier for a longer time than 24 hours, the sum of 3*d.*, and the sum of 1½*d.* per ton for each day during which such goods shall remain after the first 24 hours.

2. *Cranes.*

	s.	*d.*
All goods or packages not exceeding 1 ton	0	3
Exceeding 1 ton and not exceeding 2 tons	0	4
Exceeding 2 tons and not exceeding 3 tons	0	6
Exceeding 3 tons and not exceeding 4 tons	0	8
Exceeding 4 tons and not exceeding 5 tons	0	10
Exceeding 5 tons and not exceeding 6 tons	1	0
Exceeding 6 tons and not exceeding 7 tons	1	2
Exceeding 7 tons and not exceeding 8 tons	1	4
Exceeding 8 tons and not exceeding 9 tons	1	8
Exceeding 9 tons and not exceeding 10 tons	2	0
Exceeding 10 tons	3	0

3. *Weighing Machines.*

For potatoes, salt, and coals, each ton or part of a ton	0	4
Goods in quantities of 20 tons and upwards of same cargo, per ton	0	3
Other goods, per ton or part of a ton	0	6

4. *Warps or Planks.*

Harbour warps, all vessels, per register ton	0	0¼
Harbour planks, long, per pair	3	0
Harbour planks, short, per pair	1	0

The long planks to be paid for by vessel, and short planks by merchant.

5. *Water Money.*

For each 25 gallons or part thereof supplied	0	3

6. *Harbour Lights.*

For every fishing boat under 30 tons, payable in advance, per season	2	6
For every fishing boat, 30 tons or above, payable in advance, per season	5	0
For all other boats, each	0	6
For every ship under 100 tons register, each	2	0
For every ship 100 tons register or above, each	2	6

But rates for lights shall only be demanded and received so long as a light or lights are duly exhibited during the proper hours.

7. *Beaching Ground.*

For each boat beached or laid up on ground provided for the purpose by the Trustees, payable in advance, per season :—

Not exceeding 30 tons register	7	6
Exceeding 30 tons register	10	0

Pier and Harbour Provisional Orders (No. 2).

A

BILL

To confirm certain Provisional Orders mad by the Board of Trade under "The Gener Pier and Harbour Act, 1861," relating t Collieston, Fraserburgh, Polperro, an Whitelinks.

(*Prepared and brought in by Mr. Burt and Mr. Mundella.*)

Ordered by, The House of Commons, *to be Printed*, 30 *April* 1894.

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[Bill 203.]

A

B I L L

TO

Confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Avoch, Burnmouth, Loch Efort, and Poole. A.D. 1894.

WHEREAS a Provisional Order made by the Board of Trade under the General Pier and Harbour Act, 1861, is not of any validity or force whatever until the confirmation thereof by Act of Parliament: 24 & 25 Vict. c. 45.

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the said Act, and set out in the schedule to this Act, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Confirmation of Orders in schedule.

1. The several Orders set out in the schedule to this Act shall be and the same are hereby confirmed, and all the provisions thereof in manner and form as they are set out in the said schedule shall, from and after the *passing of this Act*, have full validity and force.

Special provisions as to houses of labouring class.

2. The undertakers mentioned in the said Orders shall not, under the powers of this Act or of the said Orders, purchase or acquire in any city, borough, or other urban sanitary district, or in any parish or part of a parish not being within an urban sanitary district in England, or in Scotland in any district within the meaning of the Public Health (Scotland) Act, 1867, as the case may be, ten or more houses which after the *passing of this Act* have been or on the *fifteenth day of December* last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

A.D. 1894.

For the purposes of this section the expression "labouring class" includes mechanics, artizans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others except members of their own family, and persons, other than domestic servants, whose income does not exceed an average of *thirty shillings* a week, and the families of any of such persons who may be residing with them.

Short title.

3. This Act may be cited as the Pier and Harbour Orders Confirmation (No. 3) Act, 1894.

THE SCHEDULE OF ORDERS.

1. AVOCH.—Construction of harbour works and constitution of Harbour Authority.
2. BURNMOUTH.—Construction of harbour works and constitution of Harbour Authority.
3. LOCH EFORT.—Construction and regulation of a pier.
4. POOLE.—Construction of works for the improvement and preservation of harbour.

AVOCH.

A.D. 1891.

Avoch.

Order for the construction and maintenance and regulation of a Pier and Works at the Harbour of Avoch, in the County of Ross and Cromarty.

Interpretation of terms.

1. The several words and expressions to which by the Acts incorporated with this Order meanings are assigned, have in this Order the same respective meanings, unless excluded by the subject or context; and in this Order the following expressions have the following meanings (that is to say):—

"The Proprietor" means James Douglas Fletcher, Esquire, proprietor of the lands and estate of Rosehaugh, in the county of Ross and Cromarty, and includes also his successors in the said lands and estate, whether male or female, for the time being, and also the heirs and successors and assignees of the Proprietor for the time being, and also the tutor, curator, guardian, or other party or parties legally acting for the Proprietor for the time being, in case of the Proprietor being incapacitated from exercising the powers conferred upon him by this Order by reason of minority, or otherwise, as the case may be or require:

"Fishermen" means persons resident for the time being within the parish of Avoch, in the said county, who are fishermen paying harbour rates and engaged or employed in the fishery in and out of the harbour:

"The harbour" means and includes the present harbour of Avoch, and the piers, buildings, works, lands, and conveniences connected therewith:

"The season" as applied to the fishing seasons means the period between the first day of July and the thirtieth day of September in each year, and as applied to the season for beaching boats, means as regards boats of thirty tons register and upwards, the period between the first day of October and the thirtieth day of June, and as regards boats under thirty tons register the period between the first day of July and the thirtieth day of September in each year, or such other periods for any of such seasons as may from time to time be fixed by the Proprietor by any byelaw made under the provisions of this Order.

Undertaker.

2. Until the execution and recording of a conveyance and disposition to trustees to be nominated and elected as by this Order provided is made as by this Order authorised, the Proprietor shall be the Undertaker for the purposes of this Order, and shall have and may exercise all the powers, privileges, and authorities conferred by this Order.

Incorporation of Lands Clauses Acts.

3. The Lands Clauses Acts, except so much thereof respectively as relates to the purchase and taking of lands otherwise than by agreement, and to the entry upon lands by the promoters of the undertaking, are hereby incorporated with this Order.

Limits of harbour.

4. The limits within which the Proprietor shall have authority, and which shall be deemed the limits to which this Order and the power to levy rates

A.D. 1894. *Avoch.*

extend, shall comprise the pier, quay, and breakwater, and other works authorised by this Order, and the area lying below high-water mark within a distance of two hundred yards from any point of the pier, quay, or breakwater which limits are in this Order, and the Schedule hereto termed "the limits of this Order."

Power to take land by agreement.

5. For the purpose of the works authorised by this Order, the Proprietor may from time to time appropriate or by agreement enter upon, take, and use all or any part of the lands shown on the deposited plan which may be required for the purposes of this Order.

Power to construct and maintain works, &c.

6. Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plan and sections as the Board of Trade may require from time to time before completion of the works in order to prevent injury to navigation, the Proprietor may on the lands belonging to him or acquired under this Order, and in the lines and situation, and according to the levels and within the limits of deviation shown on the deposited plan and sections, execute and maintain the works shown on the said plan and authorised by this Order.

Description of works.

7. The works authorised by this Order comprise—

(1.) A pier built of concrete, commencing at or near a point on the shore at high-water mark of ordinary spring tides on the farm of Castleton, nine hundred and thirty-three yards, or thereabouts, measured along the shore in a southerly direction from the centre of the mouth of the Avoch Burn at Henrietta Bridge, Avoch, and extending seawards in an easterly direction for a distance of one hundred and sixty yards, or thereabouts, and there terminating, together with a principal landing quay, also built of concrete, commencing at the seaward end of the said pier, and extending thence in a southerly direction for a distance of fifty yards, or thereabouts, and there terminating;

(2.) A breakwater commencing at or near a point on the shore at high-water mark of ordinary spring tides, one hundred and ten yards, or thereabouts, to the south of the point of commencement of the said pier, and extending seawards in an easterly direction for a distance of one hundred and sixty yards, or thereabouts, and there terminating;

all which works above described will be situate in the parish of Avoch, and county of Ross and Cromarty, and on the foreshore thereof, and in the sea in Avoch Bay and Firth of Inverness.

Power to deviate.

8. Subject to the provisions of this Order, the Proprietor, with consent of the Board of Trade in writing first obtained, may deviate laterally from the lines of the works authorised by this Order to the extent marked on the deposited plan, and may deviate vertically from the levels defined on the deposited sections to any extent not exceeding ten feet.

Power to maintain and improve works.

9. Subject to the provisions of this Order, the Proprietor may from time to time construct, maintain, alter, and improve the works authorised by this Order, and may widen, enlarge, alter, dredge, scour, deepen, and improve the harbour and the waterway or bed of the sea adjacent to the harbour or to any

of the said works at such place or places and to such extent as he may think necessary, and may in connexion with the said works, construct, maintain, alter, and improve embankments, landing places, jetties, wharves, beaches for hauling boats, warehouses, offices, buildings, sheds, weighing machines, cranes, buoys, moorings, lights, beacons, roads, sewers, drains, water-courses, water-pipes, and other works and conveniences which may be found necessary for the accommodation of vessels and traffic; and may also from time to time lay down and maintain rails, tramways, sidings, and turntables on and along the pier and other works and lands connected therewith, and may take down or remove portions of the existing piers and works. Provided that no line of tramway constructed under the powers of this Order shall be used for the public conveyance of passengers, unless and until the same shall have been inspected and certified by the Board of Trade to be fit for such traffic.

Consent of Board of Trade to works.

10. Any works authorised by this Order below high-water mark shall not be commenced without the consent thereto of the Board of Trade having been first obtained in writing, and shall be only executed in manner approved by that Board.

Penalty for obstructing works.

11. Every person who wilfully obstructs any person acting under the authority of the Proprietor in setting out the lines of the works of this Order authorised, or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of the said works, or defaces or destroys the said works or any part thereof, shall be guilty of an offence and shall for every such offence be liable to a penalty not exceeding five pounds.

Power to levy rates.

12. When a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required by this Order, or otherwise necessary to the due construction of the works authorised by this Order, have been given, the Proprietor may, subject and according to the provisions of this Order for the use of the pier, quay, and works and conveniences connected therewith, demand, take, and recover, in respect of vessels, boats, goods, animals, fish, persons, and things, and of services rendered described in the schedules to this Order, any sums not exceeding the rates in those schedules mentioned. Provided that the Proprietor before commencing to levy rates for beaching boats shall provide and maintain to the satisfaction of the Board of Trade suitable accommodation for such beaching within the limits of this Order.

Rates for use of warehouses, &c.

13. The Proprietor may demand and receive such rates or other consideration as he may think reasonable for the use of any warehouses, offices, sheds, buildings, weighing machines, cranes, yards, works, and conveniences, upon the quay or breakwater authorised by this Order for which rates are not specified in any of the Schedules to this Order.

Rates may be levied though works not completed.

14. When and so soon as it shall be at any time or from time to time certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade and paid by the Proprietor, that the works authorised by this Order have been so far completed as to afford increased harbour accommodation by means of such works, the Proprietor may, notwithstanding the twenty-fifth section of The Harbours, Docks, and Piers Clauses Act, 1847, and although the whole of the works authorised by this Order shall not

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then have been completed, demand, receive, and recover such of the rates or such proportion of all or any of the rates specified in the schedules to this Order as shall in the opinion of the Board of Trade be commensurate to the increased accommodation afforded.

Board of Trade may reduce rates.

15. If at any time and from time to time the clear annual income derived from the pier and works on the average of the then three last preceding years, after payment of all expenses and outgoings other than principal or interest in respect of money borrowed, shall exceed interest at the rate of ten per centum per annum on the entire sum from time to time appearing to the Board of Trade to have been expended by the Proprietor in executing works authorised by this Order, the Board of Trade may, if in their discretion they think fit, reduce the rates leviable under this Order to such amounts as will be sufficient to provide the aforesaid interest at the rate of ten per centum per annum, and the rates shall thereupon be reduced accordingly, but with power to the Board of Trade at any time, and from time to time, to raise them again to sums not exceeding the amounts specified in the schedule to this Order.

Master of vessel to report arrival.

16. Within twelve hours after the arrival within the limits of this Order of any vessel liable to rates the master of such vessel shall report such arrival to the collector of rates.

Masters of fishing boats to report arrival, and give account of take of fish.

17. The master or owner of every fishing boat shall within twelve hours after the arrival thereof within the limits of this Order, report the same to the collector of rates and shall furnish to the collector a true and accurate statement of his take of fish and the names of the persons obtaining delivery of the same and liable for the rates or dues thereon, and in case of failure to do so he shall be liable to a penalty not exceeding ten pounds.

Pier-master may prevent sailing of vessels when rates have not been paid.

18. The pier-master or other authorised person may prevent the removal or sailing from the limits of this Order of any vessel or boat in respect of which any rate, charge, or due shall have been payable until evidence shall have been produced to him of the payment of such rate, charge, or due, to the collector of rates, and in the case of a vessel with a take or cargo of fish, until the master or owner thereof shall have given in a statement of his take or cargo of fish as required by the last preceding section hereof.

Power to confer exemptions and compound for rates.

19. The Proprietor may from time to time confer, vary, or extinguish exemptions from, and enter into compositions with, any person or persons or company with respect to the payment of the rates authorised by this Order, but so that no preference be given to any person or company and that anything done under this section shall not prejudice the other provisions of this Order.

Existing rates to cease when new rates leviable.

20. When and so soon as the Proprietor is entitled to demand and take all or any part of the rates specified in the schedules to this Order, all other rates, tolls, dues, or duties, shall cease to be demanded in respect of the harbour or the works or conveniences connected therewith, but without prejudice to the right of the Proprietor to recover any money actually and legally due at the time of cesser, and all exemptions from payment of rates, tolls, or dues, shall cease to be operative.

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Proprietor may provide and licence steam tugs.

21. The Proprietor may from time to time build, purchase, contract for or hire, and may maintain, use, and let, steam tugs or other power for the use and accommodation of vessels frequenting the harbour, and may also from time to time licence such number of steam tugs or other power belonging to any person for such period and on such terms and conditions as the Proprietor may think fit.

Charges for use of steam-tugs.

22. The Proprietor may from time to time, with the approval of the Board of Trade, fix such rates and charges as appear to the Proprietor reasonable for or in respect of the use of such steam tugs or other power maintained, used, let, or licensed by the Proprietor, and such rates or charges shall be paid by the owner, agent, master, consignee, or other person having charge of the vessel obtaining assistance of such steam tug or other power, to the Proprietor or his lessee or to the person with whom the Proprietor contracts, or to the owner of such steam tug or other power if licensed by the Proprietor, as the case may be, and such rates and charges shall be due and payable, whether such steam tug or other power shall be actually employed or not, provided the assistance thereof shall have been required and shall in consequence of a requisition have been tendered by the Proprietor or by the master or other person having command of such steam tug or other power.

Ballast for vessels.

23. The Proprietor may supply and remove ballast for the accommodation of vessels, or permit the master or owner of any vessel to lift or convey ballast from or to any place where it may be lawfully obtained or deposited, for the purpose of supplying or removing the ballast of such vessel, on payment to the Proprietor of such rates as he shall deem proper, not exceeding the rates specified in the schedules to this Order, but no ballast shall be deposited below high-water mark without the consent of the Board of Trade.

Annual account to be sent to Board of Trade.

24. The Proprietors shall, within one month after sending to the sheriff clerk the copy of the annual account in abstract (which account shall be made up to the end of the day on the twenty-fifth day of March in each year), send a copy of the same to the Board of Trade, and section sixteen of The General Pier and Harbour Act, 1861, Amendment Act, shall apply to and include any and every such account. If the Proprietor refuse or neglect to comply with this provision, he shall, for every such refusal or neglect, be liable to a penalty not exceeding twenty pounds.

Certain fishing vessels under stress of weather exempt from rates.

25. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the pier or works and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Certain officers exempt from rates.

26. The Secretary for Scotland and any person or persons deputed by him and officers of the Board of Trade, and of the Fishery Board for Scotland, being in the execution of their duties, shall at all times have free ingress, passage, and egress to, in, through, out of, and from the pier and works by land and with their vessels and otherwise without payment.

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Lifeboat crew exempt from rates.

27. All persons going to or returning from any lifeboat or using any apparatus for saving life, and being persons either belonging to the crew of the lifeboat or to the coastguard, or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life, and also all persons brought ashore from any vessel in distress, shall at all times have free ingress, passage, and egress to, in, through, out of, and from the pier and works without payment.

Life-saving apparatus may be attached to any part of harbour.

28. The officers of the coastguard and all other persons for the time being actually employed in connexion with the lifeboat or the apparatus for saving life, may either permanently or temporarily and from time to time without payment, attach or cause to be attached to any part of the pier or works spars and other apparatus for saving life, and may also, either in course of using or exercising the apparatus for saving life, fire rockets over the pier and works.

Meters and weighers may be licensed.

29. The Proprietor may appoint and license a sufficient number of persons to be meters and weighers at and within the limits of this Order.

Power to purchase or hire dredgers, &c.

30. The Proprietor may, for the purposes of the works existing or authorised by this Order, or any of them, from time to time provide, purchase, lease, or hire such steam or other dredgers, engines, tugs, lighters, or other vessels, diving bells, ballast lighters, rubbish lighters, tools, plant, or other materials and machinery as he thinks fit, and may from time to time demand and receive such sums for the use of the same as he may think fit, and sell or dispose of the same, and the money thereby realised shall be applied towards carrying into effect the purposes of this Order or some of them.

Proprietor to be local authority.

31. The Proprietor shall, for the purposes of this Order, be deemed a local authority within the meaning of the Merchant Shipping Acts, 1854 to 1889, and all the powers by those Acts and of any Acts amending the same conferred on local authorities shall be vested in the Proprietor for the purposes of this Order.

Power to sell or lease pier and rates.

32. The Proprietor may, with the consent of the Board of Trade first obtained in writing, sell the pier and works, and the rates, charges, and dues authorised by this Order, or may from time to time lease the same for any period not exceeding seven years from the date of the lease, to take effect in possession, and for such rent or consideration, and on such terms as the Proprietor may think fit, and the purchaser or lessee shall have and may exercise the same powers of levying and recovering rates and dues as the Proprietor would have or might exercise under The Harbours, Docks, and Piers Clauses Act, 1847, and under this Order, and shall be subject to all the provisions as to accounts and otherwise to which the Proprietor is subject under this Order.

Temporary lights on works.

33. Before commencing the works authorised by this Order the Proprietor shall apply to the Board of Trade for directions as to the lights (if any) to be exhibited, and shall in all respects obey any direction given upon such application, or afterwards from time to time given as to lights by the Board of Trade during the construction of the works, and compliance with the

directions so given shall satisfy and be in the place of every other statutory requirement as to lights during the construction of the works, and the Proprietor shall be liable to a penalty not exceeding ten pounds for every calendar month during which he omits so to apply, or refuses, or neglects to observe any direction so given.

Lights after completion of works.

34. After completion, or permanent discontinuance, or abandonment of the works authorised by this Order the Proprietor shall at the outer extremity of the pier and works, or the completed portions thereof, or at such other place or places as may be required, exhibit for all or any part of the time from sunset to sunrise, and according to the requirements of the traffic and the season of the year, such lights or light (if any) as shall from time to time be directed by the Commissioners of Northern Lighthouses, and shall apply to those Commissioners for directions as to lighting, and the Proprietor shall be liable to a penalty not exceeding ten pounds for every calendar month during which he omits so to apply, or refuses or neglects to observe any such direction.

Provision against danger to navigation

35. In case of injury to or destruction or decay of the works or any part thereof, the Proprietor shall lay down such buoys, exhibit such lights (if any), or take such other means for preventing, so far as may be, danger to navigation, as shall from time to time be directed by the Commissioners of Northern Lighthouses, and shall apply to those Commissioners for directions as to the means to be taken, and the Proprietor shall be liable to a penalty not exceeding ten pounds for every calendar month during which he omits so to apply, or refuses or neglects to obey any directions given in reference to the means to be taken.

Local survey may be ordered by the Board of Trade.

36. The Board of Trade may at any time, and from time to time as they may deem it expedient, order a local survey and examination of any works made under the powers of this Order, in, over, or affecting any tidal water, or of the intended site of any works to be made under the authority of this Order, and the Proprietor shall defray all the costs of each such survey and examination, and the amount of such costs shall constitute a debt due from the Proprietor to the Crown, and may be recovered accordingly.

Portion of Harbours, Docks, and Piers Clauses Act excepted.

37. Sections 16 to 19 of the Harbour Docks and Piers Clauses Act, 1847, shall not be incorporated with this Order, but the Proprietor shall, at his own expense, when required by the Board of Trade, provide to the satisfaction of the Board of Trade a site near the Pier, and build on such site a house and other proper accommodation for a lifeboat, rocket apparatus, and other life-saving apparatus, and shall be liable to a penalty not exceeding ten pounds for every calendar month during which he omits to provide such accommodation after having been required so to do by the Board of Trade.

Partial incorporation of Harbours and Passing Tolls Act.

38. Part V. of the Harbours and Passing Tolls, &c. Act, 1861, shall be incorporated with this Order.

Boats not to anchor without consent of proprietor.

39. No vessel or boat shall, without the consent of the Proprietor, anchor within the limits of this Order.

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Byelaws.

40. The Proprietor may make byelaws for the regulation and control of vessels and boats within the limits of this Order, and for defining the seasons for fishing and beaching boats, and for the regulation and control of the fishermen and other persons resorting to, and goods, ballast and traffic, loaded or unloaded, in, and at, or placed on the pier or works, ground or property, belonging to the Proprietor, and used for the purposes of this Order, but such byelaws shall not come into operation until the same have received the allowance and confirmation of the Board of Trade, which shall be sufficient for all purposes.

Power to borrow money.

41. The Proprietor may, with the consent of the Secretary for Scotland, from time to time borrow at interest such money as may be required for the purposes of this Order, not exceeding in the whole the sum of eight thousand five hundred pounds, on the security of the tolls, rates, dues, and charges by this Order authorised to be taken, or any part thereof, or he may accept and take from any bank or banking company credit for any amount not exceeding the said sum of eight thousand five hundred pounds, on a cash account to be opened and kept in the name of the Proprietor, according to the usage of bankers in Scotland, but so that the whole sum owing by the Proprietor on such cash account and for other money borrowed, and for the time being unpaid, shall not exceed in the whole the sum of eight thousand five hundred pounds exclusive of interest, and the Proprietor may assign the said tolls, rates, dues and charges in security of the repayment of the money so borrowed, or of the amount of such credit or of the sums advanced from time to time on such cash accounts with interest thereon respectively.

Application of money borrowed.

42. All money borrowed under the powers of this Order shall be applied in defraying the cost of the works, conveniences, and purposes authorised by this Order, and for other purposes in connection with the Harbour to which capital is properly applicable and not otherwise.

Recovery of arrears of interest or principal.

43. If within thirty days after the interest of any sum borrowed by the Proprietor has become due, or after the period prescribed for the payment of the principal sum has expired, such interest or principal, as the case may be, shall not be paid, the party or parties entitled to such interest or principal respectively may, without prejudice to any rights, remedies, or securities, otherwise competent to, or held by them, apply for the appointment of a judicial factor as hereinafter provided.

Appointment of a judicial factor.

44. Every such application for the appointment of a judicial factor shall be made to the sheriff of the county of Ross and Cromarty, and on any such application the said sheriff may, by order in writing, after hearing the parties, appoint some person as judicial factor, to receive the whole or a competent part of the rates, dues, and charges authorised by this Order, until the arrears of interest, or of principal and interest, as the case may be, then due, together with all costs, including the charges of receiving the said rates, dues, and charges, be fully paid, and upon such appointment being made, the said rates, dues, and charges shall be paid to and received by the judicial factor so appointed, and the money so received shall be so much money received by or for the use of the party or parties represented by such judicial factor, and so soon as the full

amount of interest or of principal, or of principal and interest, as the case may be, in arrear, and costs has been so received, the power of the judicial factor shall cease, and after payment of such costs the judicial factor shall distribute among all the parties represented by him, if more than one, the rates and other moneys which shall have been received by him, having regard in such distribution to priorities, if any, existing in respect of the interest or principal thus received.

Amount to authorise application for a judicial factor.

45. The amounts of arrears necessary to authorise such application for the appointment of a judicial factor, shall be not less than three hundred pounds.

Application of revenues.

46. The tolls, rates, dues, and charges received by the Proprietor under this Order shall be applied for the purposes and in the order following and not otherwise (that is to say):—

(1.) In paying the costs of or incidental to the preparation, obtaining, and making of this Order or otherwise in relation thereto;

(2.) In paying the expenses of the maintenance, repair, management, and regulation of the pier and works, and in defraying the other necessary expenses incurred in relation to the pier or works on the harbour, including the cost of borrowing money under this Order:

(3.) In paying year by year the interest on money borrowed for the purposes of this Order;

(4.) The surplus income (if any) received under this Order after providing for the purposes aforesaid, shall belong to the Proprietor for his own use.

Provided, that in the event of the constitution of the trustees as herein-after provided, the following provisions shall from and after the completion of the transfer apply and have effect in lieu of sub-section (4) of this section, viz.:

(4.) In forming the sinking fund herein-after directed for payment of principal moneys borrowed under this Order;

(5.) In forming and maintaining the contingency fund, herein-after directed, for accidents to the pier and works;

(6.) In paying off any other debts contracted or to be contracted for the purposes of this Order;

(7.) In executing the works authorised by this Order, and in further improving and deepening the harbour and improving the works authorised by this Order, and in carrying into effect the purposes of this Order.

Incorporation of Trustees.

47. If at any time after the passing of the Act confirming this Order the Proprietor shall intimate to the Secretary for Scotland in writing his desire to assign and convey to an elective body of trustees the powers, rights, and privileges by this Order conferred upon him and the harbour, and all works, lands, and heritages therein belonging to him, then a body of trustees may, with the consent of the Secretary for Scotland to be expressed in writing under his hand, be nominated and elected as by this Order provided for carrying this Order into execution, which trustees and their successors shall be incorporated by the name of The Avoch Harbour Trustees (in this Order called the trustees), and by that name shall on such nomination and election be a body corporate with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Order.

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Providing for transfer to Trustees.

48. When and so soon as the Secretary or an Under-Secretary for Scotland shall certify under his hand that trustees have been nominated and elected in accordance with the provisions herein-after in this Order contained, and such certificate shall have been published in the Edinburgh Gazette, then the Proprietor shall convey and dispone in feu at fair rates of feu duty (and on being relieved of all liability, pecuniary or otherwise, under the provisions of this Order) to the trustees, all the estate, right and interest of the Proprietor in the harbour, pier and works, and in all lands whereon any works authorised by this Order may have been constructed or which are required as a site whereon, to construct such works, and from and after the date of the registration of such disposition in feu (in this Order referred to as "the completion of the transfer"), the trustees shall become and be the Undertakers and come in place of the Proprietor for the purposes of this Order, and shall have and may exercise all the powers, privileges, and authorities conferred on the Proprietor by this Order, and shall be subject to all the liabilities and all the provisions as to accounts and otherwise to which the Proprietor is made subject by this Order, and the Proprietor shall, after the completion of the transfer, be discharged from all liability in respect of the harbour and works.

Constitution of Trustees.

49. The trustees shall consist of—

(A.) Three members to be nominated by the Proprietor, one of whom may be the Proprietor or his factor;

(B.) Four members to be elected by the fishermen.

Occasional vacancies among Trustees.

50. In the case of a vacancy in the office of trustee by failure for three calendar months to nominate or elect, or by death, resignation, refusal to act, incapacity or incompetence of any trustee or otherwise than by going out of office in rotation as in this Order provided, if the vacancy be of a trustee nominated by the Proprietor, then the Proprietor may nominate another person to supply the vacancy, and if the vacancy shall be of a trustee elected by the fishermen then the remaining trustees elected by the fishermen, or, if there are no trustees elected by the fishermen, the sheriff-substitute for the county of Ross and Cromarty at Dingwall for the time being, may nominate a person or persons to supply the vacancy or vacancies. Provided that trustees so nominated shall only continue in office for the same period as the persons in whose place they are nominated would in ordinary course have so continued, and shall go out of office at the same time, but if qualified shall be eligible to be re-nominated or re-elected as the case may be.

Trustees to be nominated by the Proprietor.

51. The following provisions shall be applicable to the nomination of trustees by the Proprietor (that is to say):—

(1.) On the third Friday of the November after the Secretary for Scotland has consented to the nomination and election of trustees, or as soon thereafter as conveniently may be, the Proprietor may, by notice in writing, addressed to and deposited with the sheriff clerk for the county of Ross and Cromarty at Dingwall, nominate three persons to be trustees, and the nomination may include the name of the nominator or his factor as one of the three persons so nominated, and so from time to time at the expiration of each successive period of three years, and in the event of any trustee

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nominated by the Proprietor refusing to accept office, dying, resigning, or becoming disqualified or incompetent to act as or ceasing to be a trustee from any other cause than that of going out of office in regular course, the Proprietor may at any time, by notice in writing addressed to the clerk of the trustees, or if there be no such clerk then to the said sheriff clerk, nominate another person to fill the vacancy, and the person so nominated shall continue in office for the same period as the person in whose place he is nominated would in ordinary course have continued, and shall go out of office at the same time, but shall be eligible to be re-nominated;

(2.) In case the Proprietor for the time being shall be incapacitated by reason of minority or otherwise from exercising the powers with reference to trustees hereby conferred on the Proprietor all such powers may during such incapacity be exercised by the tutor, curator, or guardian, or other party legally acting for the Proprietor for the time being.

Trustees to be elected by the fishermen and mode of conducting elections.

52. The following provisions shall be applicable to the election of trustees by the fishermen (that is to say):—

(1.) On the third Friday of the November after the Secretary for Scotland has consented to the nomination and election of trustees, the fishermen qualified to vote as in this Order provided shall elect four persons to be trustees, and so from time to time at the expiration of each successive period of three years, and a trustee elected by the fishermen going out of office shall unless disqualified be capable of being re-elected;

(2.) The fishermen whose names appear on the election roll herein-after provided for shall alone be qualified to vote at the election of trustees for the fishermen;

(3.) Every election after the first shall take place at a meeting of the qualified fishermen to be held at a convenient place within the parish of Avoch to be specified by the trustees, a majority of whom in case of a division shall decide the place to be appointed within the said parish;

(4.) The trustees shall cause the hour and place of such meeting to be made public not less than seven clear days before such meeting by affixing notices, written or printed, to the door of every church or place of public worship at Avoch, and (but only with the consent of the Postmaster-General) to the door of the post office at Avoch;

(5.) The election shall be by a majority of the qualified fishermen present as ascertained by show of hands;

(6.) Any two qualified fishermen may at such meeting propose as a candidate any bonâ fide resident in the parish of Avoch who is of the age of twenty-one years or upwards, as a candidate for the office of trustee for the fishermen. If four persons only are proposed as candidates the chairman shall declare them elected without taking a show of hands;

(7.) One of the trustees for the time being, or if no trustee be present, then a person to be elected at the meeting, shall act as chairman of the meetings of the fishermen, and shall declare the number of votes given by show of hands to each candidate, and in case his decision is challenged

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shall cause the number of votes for each candidate to be ascertained by taking a division, or in some other convenient manner;

(8.) The decision of the chairman (who in the case of equality shall have a casting vote) as to the result of such division or ascertainment of the number of fishermen voting shall be final and unimpeachable;

(9.) The four candidates having the greatest number of votes shall be the trustees for the fishermen;

(10.) The chairman of the meeting shall report in writing to the trustees and to the sheriff clerk at Dingwall the names of the persons elected as trustees for the fishermen;

The first election of trustees by the fishermen shall be held as nearly as may be as provided by this section with respect to subsequent elections, and the place of meeting shall be within the parish of Avoch, and shall be notified by the sheriff clerk in the same manner as by this section provided with respect to subsequent elections, and the report of the election shall be made to the Proprietor and to the sheriff clerk.

Trustees may resign.

53. A trustee nominated by the Proprietor may by notice in writing given to the Proprietor, and any trustee may by notice in writing given to the other trustees or any of them, or their clerk, resign the office of trustee.

Annual roll of electors to be prepared and publicly exhibited.

54. The Proprietor for the purpose of the first election, and afterwards the trustees annually for the purpose of subsequent elections, shall cause to be prepared a roll of all fishermen as defined by this Order, who are to be entitled to vote at the election of trustees for the fishermen, which list shall be publicly exhibited as before provided in regard to notice of meetings of fishermen for election of trustees by them for one month from and after the first day of October in each successive year, and any fisherman whose name does not appear in the said roll but who claims enrolment shall within thirty days after publication of the said roll lodge his claim with the clerk or chairman of the trustees in writing and produce such evidence as the trustees think sufficient to substantiate his claim, and upon production of such evidence the trustees may order his name to be added to the roll. Any such additions must be made prior to the first day of November in each year.

Acts of the Trustees valid notwithstanding vacancies.

55. All acts and proceedings of the trustees shall be valid and regular notwithstanding any vacancy in the number of the trustees or any informality in the nomination or election of any trustees, and on the expiration of their term of office the trustees for the time being shall continue to be competent to act until their successors are nominated or elected.

Incorporation of parts of 10 & 11 Vict. c. 16.

56. The Commissioners Clauses Act, 1847 (except Sections six and seven and except the provisions thereof with respect to the election and rotation of the Commissioners where the Commissioners are to be elected by the rate-payers or other like class of electors, and except so far as other sections of that Act are inconsistent with this Order), is hereby incorporated with this Order, and that Act shall, so far as the nature and circumstances of the case admit, apply to the trustees collectively and severally, but with reference to Section 39 thereof the prescribed number constituting a quorum of the trustees shall be five.

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Meetings of Trustees.

57. Meetings of the trustees shall be held in such places as they shall appoint upon the third Friday of the months of January and July of each year, or upon such day and at such hour as the trustees may fix, and all meetings of the trustees shall be notified by their clerk to each trustee in writing at least sixty hours before the hour of the meeting.

Special Meetings.

58. The clerk of the trustees on requisition being made to him in writing, stating the object of the intended meeting and signed by the chairman or two of the trustees, shall cause special meetings to be called within sixty hours, and to be held within ten days after such requisition.

Election of chairman.

59. The trustees shall annually elect one of their number to be chairman, who shall preside at all meetings at which he is present. If at any time the chairman shall be absent, then the meeting shall elect one of their number to be chairman for that meeting.

Trustees to appoint auditor.

60. The trustees shall from time to time appoint an auditor of the accounts of the trustees and fix the salary to be paid to him, and such salary shall be paid to him accordingly by the trustees out of the rates levied under this Order.

Provisions as to sinking and contingency fund.

61. In the event of the constitution of the trustees as by this Order authorised, the following provisions shall from and after the completion of the transfer apply and have effect.

(A.) The trustees shall every year appropriate and set apart out of the surplus revenues (if any) of the harbour such a sum as will, with the accumulations thereof by way of compound interest, be sufficient to pay off the whole of the principal moneys borrowed under this Order within fifty years after the same are respectively borrowed.

(B.) Any money borrowed under this Order and discharged otherwise than by means of a sinking fund or by instalments may be re-borrowed if required for the purposes of this Order, and so from time to time.

(C.) The trustees may yearly, if they think fit, for the purpose of forming and maintaining a contingency fund not exceeding the sum of four thousand pounds, to meet any unforeseen accident or extraordinary damage which may happen or be caused to the harbour, set apart the surplus revenue of the harbour (if any), after meeting the ordinary expenditure and interest and sinking fund, as by this Order provided, and shall deposit the sum set apart in some joint stock bank of issue in Scotland, to be increased by accumulation in the way of compound interest or otherwise, and retained until required for any of the aforesaid purposes, and the whole accumulated fund shall be applied as required for the maintenance and improvement of the harbour.

(D.) The clerk to the trustees shall, within two months after the expiration of each year during which any sum is required to be set apart for a sinking fund under this Order, transmit to the Board of Trade a return in such form as may be prescribed by that Board, and verified by statutory declaration, if so required by them, showing the amount which has been invested for the purpose of the sinking fund during the year preceding the making of such return and the description of the securities upon

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which the same has been invested, and also showing the purpose to which any portions of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year, and in the event of any wilful default in making such return such clerk and trustees shall be liable in a penalty not exceeding twenty pounds. If it appear to the Board of Trade by such return, or otherwise, that the trustees have failed to set apart, in accordance with the provisions of this Order, the sum required by this Order for the sinking fund, or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Order, the Board of Trade may by Order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund, and such Order shall be enforceable by decree of either Division of the Inner House of the Court of Session in Scotland in a summary application presented for that purpose.

Revision of rates.

62. The trustees shall from time to time revise the rates received by them under this Order so that the income derived from the harbour and works and the conveniences connected therewith under this Order may always be so far as practicable sufficient and not more than sufficient for the purposes of this Order, and if at any time, and from time to time, the clear annual income so derived on the average of the then three last preceding years after payment of all expenses and outgoings excluding payments of principal and interest in respect of money borrowed shall exceed the amount sufficient to answer the purposes of this Order the Board of Trade may, if in their discretion they think fit, reduce such rates to such sums as will be sufficient to provide the amount aforesaid, with power to the Board of Trade at any time, and from time to time, to raise them again to not exceeding the sums specified in the Schedule to this Order.

Power to cease in certain events.

63.—(1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order should not be substantially commenced the powers by this Order given for executing such works, or otherwise, in relation thereto shall cease unless the time for commencement be extended by the special direction of the Board of Trade.

(2.) If the works authorised by this Order, after having been substantially commenced, should be virtually suspended for twelve consecutive calendar months, the powers by this Order given for executing such works, or otherwise, in relation thereto shall cease except as to so much of such works as shall be then completed, unless such powers shall by the special direction of the Board of Trade be continued and directed to remain in force for any period not exceeding five years from the date of the Act confirming this Order.

(3.) In either of the above cases a certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall for the purposes of this Order be conclusive evidence of the facts stated in such certificate.

64. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by the Crown Lands Act, 1866, nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges without the consent of the Board of Trade having been first obtained.

Saving rights under Crown Lands Act, 1866.

65. Nothing contained in this Order, or to be done under the authority thereof, shall in any manner affect the title to any of the subjects, or any rights, powers, or authorities mentioned in or reserved by sections twenty-one and twenty-two of the Crown Lands Act, 1866, and belonging to or exerciseable on behalf of Her Majesty, her heirs or successors.

Saving rights of Crown under Crown Lands Act.

66. All costs and expenses of and incidental to preparing and obtaining this Order, or otherwise incurred in reference thereto, shall be paid by the Proprietor.

Costs of Order.

67. This Order may be cited as the Avoch Harbour Order, 1894.

Short title.

SCHEDULES referred to in the foregoing Order.

SCHEDULE A.

I.—Rates for Vessels using the area within the limits of this Order.

	£	*s.*	*d.*
Class 1.			
(1.) For all vessels to or from any port or place in Great Britain or Ireland - - - - per register ton	0	0	4
(2.) For all pleasure yachts not carrying goods or passengers for hire to or from any port or place in Great Britain or Ireland per register ton	0	0	2
Class 2.			
(1.) For all vessels to or from all places not in Great Britain or Ireland - - - - per register ton	0	0	8
(2.) For all pleasure yachts not carrying goods or passengers for hire to or from any port or place not in Great Britain or Ireland - - - per register ton	0	0	3

For any vessel under Class 1 carrying general cargo or making twenty voyages or upwards in a year shall be allowed a deduction from the tonnage duty on such vessel at the rate of 2*d.* per register ton each voyage.

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For vessels launched at Avoch half rates shall be paid on the first sailing thereafter outward if in ballast only, but if loading goods or passengers full rates shall be paid.

For vessels entering the limits of the Order for safety or wind-bound, and not breaking bulk nor taking in goods (stores for their own use excepted) the following rates shall be paid, namely—

One penny per register ton if on a voyage to or from any port or place in Great Britain or Ireland, and 2*d.* per register ton if on a voyage to or from any other port or place.

But in the case of all classes if they break bulk or take in goods (except stores aforesaid) full rates shall be paid.

The rates above specified shall not be charged both on the arrival of a vessel inwards and on her next following sailing outwards, but shall be charged only on one of them, and it shall be in the option of the Proprietor to charge the said rates according to the class either on the sailing inwards or on the sailing outwards.

If the rates shall be charged on the sailing outwards there shall be deducted therefrom the amount of rates that may have been previously paid on the sailing inwards, but if any vessel having sailed inwards sails outwards in ballast the rates shall be charged only on the sailing inwards.

For vessels putting back by stress of weather or other cause without having accomplished the voyage no additional rates shall be charged on such return.

For vessels remaining within the limits of the Order there shall be paid in advance a rate of 3*d.* per register ton for a month or for any period less than a month in which such vessel shall remain after the expiration of six weeks from their arrival, and 1*d.* per register ton per month after the expiration of any entire month beyond the six weeks above mentioned.

Any period less than a month after the expiration of any entire month shall, for the purposes of the above rate, be deemed a month, and the rate shall not be chargeable for any vessels while under repair on slips or in graving or dry docks.

II.—Rates for Fishing Vessels and Boats using the area within the limits of the Order.

	£	*s.*	*d.*
For each boat, whether decked or undecked, engaged in any fishing season in the prosecution of the herring fishery for such season and payable in advance - per register ton	0	2	0
or instead thereof the sum of - - - - -	1	10	0
For each boat, whether decked or undecked, not engaged for the fishing season in the herring fishery, but unloading or discharging herrings, on entering the limits of the Order, each time - - - - -

	£	s.	d.
For each boat, whether decked or undecked, loading or discharging fresh fish at any time of the year, except boats engaged at the herring fishery during the fishery season, on entering the limits of the Order, each time—			
If 25 tons register and under and not a steam trawler -	0	1	6
If a steam trawler 25 tons register and under - -	0	3	0
If above 25 tons register, including steam trawlers per register ton	0	0	2

For all boats, whether decked or undecked, loading or discharging any other article than fish, on entering the limits of the Order, each time the same as coasting vessels.

For all boats, whether decked or undecked, coming within the limits of the Order, wind-bound or on account of stress of weather, with or without cargoes—

	£	s.	d.
If not exceeding 20 tons register and not a steam trawler -	0	1	0
If above 20 and not exceeding 30 tons register and not a steam trawler - - - - - -	0	1	6
If a steam trawler not exceeding 30 tons register - -	0	1	6

For all boats, including steam trawlers, above 30 tons register the same as coasting vessels.

NOTE.—The rates on the three last classes for any one year may be compounded for in respect of any boats under 25 tons register by a payment to the Proprietor of 25*s.*, and in the case of steam trawlers under 25 tons register by payment of 2*l.* 10*s.*, and on such payment being made no further rates shall be levied for such boat or trawler within the year so long as employed as described in these three classes.

For all boats remaining within the limits of the Order after the expiration of two weeks from the date of their arrival for the purpose of being fitted out or for any purpose whatever, if not engaged in fishing, 2*s.* per boat for each week or part of a week over and above the dues exigible on arrival.

	£	s.	d.
For every large herring boat or white fishing boat beached for the season—			
If of ten tons register or upwards - - - -	0	15	0
If under ten tons register - - - - -	0	7	6

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III.—RATES ON GOODS SHIPPED, TRANSHIPPED, OR UNSHIPPED IN THE HARBOUR.

Description of Goods.	Quantity.	Rate. s.	Rate. d.
Ale and beer	per 54 gallons	0	6
Ditto in bottles	per ton	2	6
Alkali	per ton	1	6
Alum	per ton	1	6
Ammonia water	per ton	1	0
Anchors	per ton	5	0
Animalised carbon	per ton	1	0
Ashes, viz :			
Pot and pearl	per ton	2	0
Weed	per ton	1	0
Asphalte or bitumen	per ton	1	0
Aerated water, all kinds	per ton	1	8
Bacon	per ton	1	6
Ballast	per ton	0	2
Barilla	per ton	1	6
Bark	per ton	1	8
Barley, hulled	per ton	1	6
Barrels, empty herring	each	0	1
Barytes	per ton	1	6
Baskets, under 12 inches diameter	per dozen	0	6
Ditto, above ditto	per dozen	1	0
Basket rods	per cwt.	0	2
Beef, fresh and salted	per ton	2	0
Beer, spruce or black	per 3 gallons	0	1
Biscuits	per ton	2	0
Blacking	per ton	2	0
Bleaching salts and powder	per ton	1	6
Blood of cattle	per ton	1	0
Blubber	per 250 gallons	3	0
Boats, viz.:			
12 to 14 feet keel	each	2	6
14 to 16 „	each	3	0
16 to 18 „	each	3	6
18 to 20 „	each	4	0
20 and above	each	5	0
Cobbles, viz.:			
12 to 14 feet long	each	2	0
14 to 16 „	each	2	6
16 to 18 „	each	3	0
18 to 20 „	each	3	6
Other cobbles in proportion.			
Bones of cattle, bone ash, and bone meal	per ton	1	6
Bones of cattle, ground (export)	per ton or 48 bushels	0	6
Books and stationery	per cwt.	0	4
Boots and shoes	per cwt.	0	2
Bottles	per ton	2	0
Ditto, broken, and cullet	per ton	0	4
Boxes, empty salmon	each	0	1
Bran, pollard, and sharps	per ton	1	0
Brass	per ton	2	0
Bricks, common, fireclay, and Bath	per ton	0	6
Brimstone	per ton	1	6
Butter	per cwt.	0	2

	Description of Goods.	Quantity.	Rate. s.	Rate. d.
	Calamine, or zinc ore	per ton	1	0
	Candles	per ton	2	0
5	Cane reeds	per ton	2	0
	Carpets, rugs, and upholstery articles	per ton	2	6
	Carriages, with springs, viz.:			
	Under 5 cwt.	each	2	6
	5 cwt. and under 7½ cwt.	each	5	0
10	7½ cwt. and under 10 cwt.	each	7	6
	10 cwt. and above	each	10	0
	Carrots	per ton	1	0
	Carts and waggons, with or without springs	per ton	2	6
	Casks, boxes, sacks, and kits, empty	per ton	2	6
15	Cattle and live animals:			
	Asses and mules	each	1	0
	Bulls, cows, and oxen	each	1	0
	Calves	each	0	3
	Sheep	each	0	2
20	Lambs	each	0	1
	Goats	each	0	1
	Horses	each	1	0
	Horses and cattle (Orkney or Shetland breed)	each	0	6
	Ponies under 12 hands high	each	0	6
25	Pigs	each	0	3
	Dogs and foxes	each	0	6
	Cement	per ton	2	6
	Chalk	per ton	0	9
	Charcoal and charcoal blacking	per ton	2	0
30	Cheese	per ton	2	0
	Chestnuts	per ton	2	0
	Chimney tops or cans (clay)	each	0	1
	China	per ton	2	0
	Chocolate	per cwt.	1	0
35	Chrome ore	per ton	1	0
	Cider	per gallon	0	0¼
	Clay, viz.:			
	China or stone clay	per ton	0	9
	Fire clay and loam clay	per ton	0	6
40	Pipe clay	per ton	1	0
	Clocks	each	0	6
	Clothery, haberdashery, and silk mercery	per ton	2	0
	Clover seeds	per ton	1	0
	Coals	per ton	0	6
45	Coal dust or cinders	per ton	0	4
	Cocoa	per ton	2	0
	Coffee	per ton	2	0
	Coke	per ton	0	10
	Cochineal	per cwt.	0	6
50	Confections	per cwt.	0	2
	Copper, viz.:			
	Bars, rods, sheets, and nails	per ton	1	0
	Utensils for distilleries and other purposes	per ton	2	6
	Old	per ton	2	0
55	Ore	per ton	1	0
	Copperas	per ton	1	6
	Coprolites	per ton	0	9
	Coral	per cwt.	1	0
	Cordage and wire rope	per ton	1	6
60	Corks and corkwood	per ton	2	0

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Description of Goods.	Quantity.	Rates. s.	Rates. d.
Corn, viz. :			
Barley or bere, malt, oats, wheat, rye, beans, peas, and maize	per ton	1	3
Cotton seed	per ton	1	0
Cotton wool	per ton	2	0
Ditto, manufactured	per ton	3	0
Crystal	per ton	2	0
Currants, raisins, and dried fruits	per ton	1	9
Cutch and gambia	per ton	1	0
Drugs, medicines, and medicinal oils	per cwt.	0	4
Dung	per ton	0	4
Earthenware	per ton	2	0
Ditto, pipes glazed	per ton	1	0
Eggs	per cwt.	0	3
Esparto grass	per ton	1	0
Feathers	per ton	5	0
Felt	per ton	2	0
Fire-clay retorts, flue covers, quarls, vent linings, and other manufactures of fire-clay except bricks	per ton	1	0
Fish, salted	per cwt.	0	2
Ditto, dry	per cwt.	0	3
Ditto, fresh haddocks, cod, ling, and all fish not enumerated	per cwt.	0	2
Flax	per ton	2	0
Flax codilla	per ton	1	6
Flax, manufactured	per ton	2	6
Flint for potters	per ton	0	6
Flour	per ton	1	4
Fruit	per ton	2	0
Furniture	per ton	2	6
Game :			
Hares	each	0	2
Rabbits	each	0	1
All others	each	0	2
Gelatine of screws	per ton	2	0
Ginger	per ton	2	3
Glass, window and plate	per ton	2	0
Grates, stoves, &c.	per cwt.	0	2
Grease	per ton	1	0
Groceries, all kinds, not otherwise enumerated	per cwt.	0	2
Guano	per ton	1	0
Gunpowder, dynamite, and other explosives	per cwt.	0	3
Gypsum, ground	per ton	1	0
Ditto, unground	per ton	0	6
Hair, dry, wet, or plaster	per ton	2	0
Hams	per ton	2	0
Hardware	per cwt.	0	2
Hats	each	0	0½
Hay	per ton	1	8
Hemp	per ton	2	0
Ditto, dressed	per ton	2	0
Ditto, cordilla	per ton	1	0
Herrings, viz. :—			
Fresh, direct from sea	per 37½ gallons	0	2
Ditto, (cured) exported	per 26⅔ gallons	0	2
Ditto, cured or partially cured	per 37½ gallons	0	2
Ditto, smoked, partially smoked, or preserved in bulk or in boxes	per ton	1	6

	Description of Goods.	Quantity.	Rate. s.	Rate. d.
	Hides and skins, raw and undressed	per ton	2	0
	Hoofs	per ton	2	0
5	Hoops of wood	per 120	0	0½
	Hops	per cwt.	0	2
	Horns	per ton	2	6
	Horn tips, sloughs, shavings, and waste	per ton	1	0
	Husbandry implements, viz. :—			
10	Ploughs	each	0	9
	Harrows	per pair	0	9
	Wheelbarrows	each	0	4
	Other implements	per ton	2	6
	Ice	per ton	1	6
15	Iron, viz. :—			
	Bar, bolt, angle, rod, plate, sheet, hoop, nails, and wire	per ton	1	0
	Forged ironwork and machinery	per ton	1	6
	Steam boilers, whole or in pieces	per ton	2	0
20	Grates, stoves, and tinned work, pots and other hollow cast-iron work	per ton	1	6
	All other castings	per ton	1	6
	Rust	per ton	1	6
	Pig	per ton	0	6
25	Old	per ton	0	6
	Ore	per ton	0	2
	Junk	per ton	1	0
	Jute	per ton	1	0
	Ditto, manufactured	per ton	2	6
30	Kelp	per ton	1	0
	Lard	per ton	2	0
	Lead, viz. :—			
	Sheet, pipe, pigs, and shot	per ton	1	6
	Red, white, and black	per ton	1	6
35	Ore	per ton	1	0
	Leather	per cwt.	0	2
	Lemons	per cwt.	0	2
	Lime	per ton or 30 bushels	0	6
	Linen yarn	per ton	2	6
40	Linseed	per ton	1	0
	Locust beans, whole or ground	per ton	1	0
	Lucifer matches	per cwt.	0	2
	Machinery	per ton	2	0
	Madder, ground	per ton	2	6
45	Madder root	per ton	2	6
	Manganese	per ton	1	0
	Mangold wurzel	per ton	0	6
	Manures, manufactured (import)	per ton	1	0
	Ditto ditto (export)	per ton	1	0
50	Marble	per ton	2	0
	Mats, cargo, and dunnage	per ton	1	0
	Meal, viz. :—			
	Oatmeal, peasemeal, maizemeal	per ton	1	6
	Mill waste	per ton	1	6
55	Mohair yarn	per ton	2	0
	Molasses	per ton	1	6
	Musical instruments	per cwt.	0	3
	Mussels	per ton	0	6
	Nutmegs	per ton	2	3
60	Nuts	per cwt.	0	2

Description of Goods.	Quantity.	Rates. s.	Rates. d.
Oakum	per ton	1	6
Ochre	per cwt.	0	1
Oil, not otherwise enumerated	per ton	2	0
Oil cake (import)	per ton	1	6
Ditto (export)	per ton	1	0
Onions	per cwt.	0	2
Oranges	per cwt.	0	4
Oysters and shell fish not otherwise enumerated	per ton	2	0
Packthread	per cwt.	0	3
Paints of all kinds not specially mentioned	per ton	2	0
Paper	per cwt.	0	2
Paper shavings	per ton	1	0
Paraffin oil and petroleum	per ton	1	3
Paste or mill boards	per ton	2	6
Pearl harding	per ton	1	6
Peats	per ton	0	6
Pepper and pimento	per ton	2	3
Pewter	per ton	2	0
Phosphates, manufactured	per ton	1	0
Pictures, viz. :—			
Under 2 feet square	each	0	4
2 feet and under 4 feet square	each	0	9
4 feet square and upwards	each	1	6
Pipes, drain, viz. :—			
Under 3 inches diameter	per 1,000	0	6
Above 3 inches diameter	per 1,000	0	9
All others	per 1,000	0	9
Pipes, tobacco	per cwt.	0	1
Pitch	per ton	2	0
Pitch oil	per cwt.	0	2
Plants, trees, and shrubs	per ton	2	0
Plaster of Paris	per ton	1	6
Pork (fresh and salted)	per ton	2	0
Porter	per 54 gallons	0	6
Ditto, in bottles	per ton	2	6
Potatoes	per ton	0	6
Poultry, all kinds	each	0	1
Preserved provisions	per cwt.	0	2
Pumice stones	per ton	2	6
Pyrites	per ton	0	6
Ditto, burnt or spent	per ton	0	3
Rags	per ton	1	0
Rails, composite or steel and iron	per ton	1	0
Rapeseed and rubenseed	per ton	1	0
Rice	per cwt.	0	2
Ropes, all kinds	per ton	2	0
Rosin	per ton	1	6
Rye grass seeds	per ton	1	0
Saddlery articles	per cwt.	0	3
Sago	per cwt.	0	1
Sailcloth	per ton	2	0
Salmon	per ton	2	0
Saltpetre, refined	per ton	2	0
Salt, rock and white	per ton	1	0
Imported	per ton	1	0
Exported, in bulk	per ton	0	5
Ditto, in barrels (barrels included)	per 26⅔ gallons	0	2

	Description of Goods.	Quantity.	Rate. s.	Rate. d.
	Salts, muriates, nitrates, sulphates, saltpetre, and other salts for manures not otherwise enumerated	per ton	1	0
5	Sand	per ton	0	4
	Screws of hides, viz.:—			
	Dry	per ton	2	0
	Wet	per ton	1	0
	Scythes	per ton	2	6
10	Sealskins	per score	0	4
	Seeds, not otherwise enumerated	per ton	2	0
	Shakes of casks, of 84 gallons capacity	each	0	2
	Others in proportion.			
	Sheepskins, with wool	per cwt.	0	3
15	Ditto, pelts	per cwt.	0	2
	Sheffield and Birmingham wares	per ton	2	6
	Shumac	per ton	2	6
	Sids, or oak husks	per ton	0	6
	Skins, not otherwise enumerated	per ton	2	0
20	Slates	per ton	0	10
	Slate slabs	per ton	1	6
	Smalts and ultramarine	per ton	2	6
	Snuff	per cwt.	0	2
	Soap	per ton	1	6
25	Soda and soda ash	per ton	1	0
	Soot	per ton	0	6
	Spades and shovels	per dozen	0	1
	Spanish and Italian juice	per ton	2	3
	Spirits, imported	per gallon	0	1
30	Ditto, exported	per gallon	0	0¼
	Starch	per cwt.	0	3
	Steel	per ton	1	6
	Stones, viz.:—			
	Carriageway granite	per ton	0	2
35	Kerb, pavement, and building	per ton	0	5
	Rubble and chips	per ton	0	2
	Road metal	per ton	0	2
	Freestone, building	per ton	0	5
	Rigging stones	per ton	1	6
40	Millstones, grindstones, and scythe stones	per ton	1	6
	Marble stones	per ton	2	6
	Flagstones, Turin or Caithness	per ton	0	9
	Polished granite stones	per ton	1	6
	All other description of stones	per ton	1	0
45	Stoneware	per cwt.	0	2
	Straw	per ton	1	8
	Stucco	per ton	1	0
	Sugar, raw	per ton	1	6
	Ditto, refined	per ton	2	0
50	Tallow and paraffin wax	per ton	2	0
	Tanners' waste	per ton	0	9
	Tar	per 31½ gallons	0	2
	Tares	per ton	1	6
	Tea	per cwt.	0	3
55	Terra alba or sulphate of lime	per ton	1	0
	Tiles	per 1,000	1	0
	Tin	per ton	2	0
	Ditto, plates	per ton	2	0
	Tobacco	per cwt.	0	2

Description of Goods.	Quantity.	Rates. s.	Rates. d.
Tongues, viz.:—			
Smoked	per dozen	0	1½
Pickled	per cwt.	0	4
Tow	per ton	1	6
Toys	per cwt.	0	3
Turnips	per ton	0	6
Twine	per cwt.	0	3
Umber	per ton	1	0
Varnish	per cwt.	0	2
Vegetables of all kinds not specially mentioned	per ton	1	0
Vinegar	per gallon	0	0½
Vitriol and acids in carboys	per gallon	0	0½
Whalebone or whale fins	per ton	10	0
Wheels, coach, carriage, or cart	per pair	0	9
Whitening	per ton	0	6
Wine in casks or in bottles	per gallon	0	1
Wood, viz.:—			
Fir, larch, beech, oak, ash, elm, and all other hard woods, rough, or round, or in plank, or sided	per 50 cubic feet	1	0
Masts and spars	per 50 cubic feet	1	0
Fir, deals, planks, and boards, or battens	per 50 cubic feet	1	0
Railway sleepers	per 50 cubic feet	1	0
Lathwood, sawn	per 1,000 superficial feet.	1	0
Cart-wheel spokes and felloes	per 40 pieces	0	3
Wedges	per 1,000 pieces	1	0
Pit props not exceeding 6 inches in average diameter	per 50 cubic feet	0	9
Wainscot	per 50 cubic feet	1	3
Deal ends, 3 inches thick and under 4 feet in length, and firewood	per 50 cubic feet	0	6
Rickers, under 30 feet in length and under 4 inches diameter	per dozen	0	3
Oars	per dozen	0	4
Hand spokes	per dozen	0	4
Treenails	per 1,000 lineal feet	0	6
Wood by weight:			
Bar wood, box wood, Brazil wood, cam wood, ebony, fustic, lignum vitæ, logwood, Nicaragua wood, red wood, sassafras, &c.	per ton	2	0
Mahogany	per 40 feet or ton	2	0
Wood staves and billets:			
Herring barrel billets	per 50 cubic feet	1	0
Herring barrel staves	per 1,000 superficial feet.	1	2
All other kinds not enumerated	per 1*l.* value	0	4
Wood pulp	per ton	1	6
Wool, sheep's	per ton	2	6
Ditto, manufactured	per ton	2	6
Yarn	per ton	3	0
Yeast	per ton	2	0
Zinc	per ton	1	6
All goods not otherwise enumerated in the foregoing schedule	per cwt.	0	2

NOTES WITH REFERENCE TO THE FOREGOING SCHEDULE.

The ton mentioned in the foregoing schedule unless otherwise indicated is the ton of twenty hundredweight.

Goods of all descriptions rated by the ton shall be charged according to gross weight, fractional parts of a ton shall be charged proportionately, and the minimum charge for a single package shall be one penny. Where rates shall have been paid for goods on importation, and such goods shall be re-shipped in the original packages and shall not have changed ownership, but shall continue to belong to the same owner as when imported, such goods shall be exempt from the payment of rates on exportation.

If any goods for which rates shall have been paid when loaded shall from any accident or otherwise be unloaded, no rates shall be charged a second time for such goods on being reloaded if they belong to the original owner.

Where any goods shall have been shipped and the rates therefor paid, and such goods shall thereafter be re-landed within the harbour by reason of the detention therein of the vessel by stress of weather, and shall not be re-shipped, such rates shall be repaid.

EXEMPTIONS.

Empty boxes, casks, bags, and pack sheets returned to the original shipper after importation or exportation with goods.

Empty casks or other stores shipped for or on being returned from the seal and whale fishing, as also all ships' provisions necessary for the voyage.

The luggage of each passenger not exceeding two-and-a-half hundredweight, but for all above that weight the rate of two shillings and sixpence per ton shall be paid by each passenger.

SCHEDULE B.

RATES FOR THE USE OF SHEDS, CRANES, WEIGHING MACHINES, WARPS, OR PLANKS.

These to be paid by persons using the same.

1. *Sheds.*

For each ton of goods which shall remain in any shed, or on any quay or pier for a longer time than twenty-four hours, the sum of 3*d.*, and the sum of 1½*d.* per ton for each day during which such goods shall remain after the first twenty-four hours.

2. *Cranes.*

	s.	*d.*
All goods or packages not exceeding one ton - - - -	0	3
Exceeding one ton and not exceeding two tons - - -	0	4
Exceeding two tons and not exceeding three tons - - -	0	6
Exceeding three tons and not exceeding four tons - -	0	8

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	s.	d.
Exceeding four tons and not exceeding five tons	0	10
Exceeding five tons and not exceeding six tons	1	0
Exceeding six tons and not exceeding seven tons	1	2
Exceeding seven tons and not exceeding eight tons	1	4
Exceeding eight tons and not exceeding nine tons	1	8
Exceeding nine tons and not exceeding ten tons	2	0
Exceeding ten tons	3	0

3. *Weighing Machines.*

For potatoes, salt, and coals, each ton or part of a ton	0	4
Goods in quantities of twenty tons and upwards of same cargo, per ton	0	3
Other goods, per ton or part of a ton	0	6

4. *Warps or Planks.*

	s.	d.
Harbour warps, all vessels, per register ton	0	0¼
Harbour planks, long, per pair	3	0
Harbour planks, short, per pair	1	0

The long planks to be paid for by vessel, and short planks by merchant.

SCHEDULE C.

RATES FOR LIGHTS, FLAGS, AND SIGNALS.

	s.	d.
For all vessels, per register ton	0	0¼

These rates shall only be demanded and received during so long as lights, flags, and signals are duly exhibited during proper hours or at proper times.

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Order for the Construction and Maintenance of Works at the Harbour of Burnmouth, in the Parishes of Ayton and Mordington and County of Berwick, and for the Regulation of the Harbour.

Incorporation of the Trustees.

1. There shall be a body of Trustees (in this Order called "the Trustees"), qualified, appointed, or elected, as by this Order provided, for carrying this Order into execution, which Trustees and their successors are hereby, for the purposes of this Order, incorporated by the name of the Burnmouth Harbour Trustees, and by that name shall be a body corporate with perpetual succession and a common seal, and with power to purchase, take, lease, hold, and dispose of lands and other property, for the purposes but subject to the restrictions of this Order.

Interpretation of terms.

2. The several words and expressions to which by the Acts incorporated with this Order meanings are assigned have in this Order the same respective meanings, unless excluded by the subject or context. And in this Order the following expressions have the following meanings (that is to say) :—

"The fishermen" means persons resident for the time being within one mile of the harbour of Burnmouth, who are fishermen paying harbour rates for the season, and are engaged or employed in the fishery in and out of the harbour ;

"The existing harbour" means and includes the present harbour of Burnmouth, and the piers, quays, buildings, works, lands, and conveniences connected therewith ;

"The harbour" means and includes the harbour of Burnmouth as defined by this Order ;

"Sheriff" means the sheriff of Roxburgh, Berwick, and Selkirk, or the sheriff in whose jurisdiction the county of Berwick is situated, or any of his substitutes acting in the county of Berwick ;

"The Trustees" means the Harbour Trustees acting under this Order.

Constitution of Trustees.

3. The body of Trustees shall consist of—

(A.) Seven members ex officiis ;

(B.) Twelve members to be elected by the fishermen.

Trustees ex officiis.

4. The proprietor of the lands and estate of Fairnieside, in the parish of Ayton, the proprietor of the lands and estate of Graystonelees, in the said parish, and the proprietor of the lands and estate of Mordington, in the parish of Mordington, the minister of the parish of Ayton, the schoolmaster of the public school at Burnmouth, and the county councillors under the Local Government (Scotland) Act, 1889, or any Act amending the same, of the parishes of Ayton and Mordington, or (in the event of either of said parishes not itself forming an electoral division) the county councillor of the electoral division of which said

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parishes, or either of them, shall form part, or (in the event of either of said parishes being divided into more than one electoral division) the county councillor of the electoral division thereof in which any of the fishing villages of Burnmouth is situated, all for the time being, and their successors, shall be Trustees ex officiis for the purposes of this Order; and in case any of the said proprietors for the time being shall be incapacitated by reason of minority or otherwise from exercising the powers with reference to trustees hereby conferred on him, all such powers may during such incapacity be exercised by the tutor, curator, guardian, trustee, commissioner, or other party legally acting for the proprietor for the time being, and in the absence of any of the said proprietors he may be represented by his known factor or agent without any special nomination.

First elected trustees.

5. The following persons shall be the first elected or representative Trustees, namely, Robert Aitchison, fish curer, Burnmouth; James Anderson, junior, fisherman, Ross; Richard Anderson, fisherman, Cowdrait; Robert Dean, feuar, Flemington Cottage, Burnmouth; Alexander Fairbairn, fisherman, Burnmouth; Arthur Johnston (Kerr), fisherman, Cowdrait; Paul Johnston, senior, fisherman, Burnmouth; Alexander Martin, grocer, Ross; Alexander Martin, fisherman, Burnmouth; James Martin, senior, fisherman, Cowdrait; Peter Martin, fisherman, Partonhall; and William Martin, junior, fisherman, Burnmouth; and they shall hold office until the second Thursday of January, one thousand eight hundred and ninety-five, when, and on the second Thursday in January in every succeeding year, four representative Trustees who have been longest in office, or if those longest in office are more than four then four of them to be chosen by lot, shall retire by rotation but shall be eligible for re-election.

Mode of conducting election of future representative Trustees.

6. The following rules shall be observed with respect to the election of future representative Trustees:—

(1.) The election shall take place at a meeting of the fishermen to be held on the second Thursday of January annually, at five o'clock afternoon, at the Harbour Office, or at the public school at Burnmouth, or other convenient public place (within one mile of the harbour), to be specified by the Trustees, or in case of a division by a majority;

(2.) The Trustees shall cause the day, hour, and place of such meeting to be made public by written or printed notice to be affixed to the door of the Harbour Office and the door of the public school at Burnmouth. The said intimations shall be thus made public not less than seven clear days before such meeting;

(3.) The election shall be by show of hands at a meeting of the fishermen, to be notified as aforesaid, a majority of the fishermen present to rule the election;

(4.) Any two of the fishermen may at such meeting propose as a candidate any bonâ fide resident in the district of Burnmouth, who is of the full age of twenty-one years or upwards, as a candidate for the office of representative Trustee. If the number of persons proposed as candidates shall not exceed the number of Trustees to be elected the chairman of the meeting shall declare them elected without taking a show of hands. If the number of persons proposed and declared to be elected shall be less than the number

required, the vacancy or vacancies shall be filled up by the Trustees in manner after specified :

(5.) The chairman of the Trustees (not being a candidate), or the clerk of the Trustees, or one of the Trustees for the time being who is not a candidate, shall act as chairman of the meetings of the fishermen, and shall declare the number of votes given to each candidate ; and in case his decision is challenged, shall cause the number of fishermen voting for any candidate to be ascertained by taking a division or in some other convenient manner ;

(6.) The decision of the chairman of the meeting (who, in the case of equality, shall have a casting vote) as to the result of such division or ascertainment of the number of fishermen voting shall be final and unimpeachable ;

(7.) The four candidates having the greatest number of votes shall be elected Trustees ;

(8.) The chairman of the meeting shall report to the Trustees the names of the persons elected as Trustees thereat.

Appointment by Trustees in case of failure to elect.

7. In case at any time there is a failure to make a valid election, or an election of the full number in accordance with the provisions of this Order of Trustees for the fishermen, the Trustees shall, within two months thereafter, at a special meeting appoint as Trustee or Trustees for the fishermen any qualified person or persons to the number required, and every Trustee so appointed shall be deemed a Trustee for the fishermen, and shall in all respects be as if he had been actually elected by them. In case of an equality of votes at any such election or appointment by the Trustees, the chairman of the Trustees for the time being shall have a second or casting vote.

Trustees for the fishermen may resign.

8. A Trustee for the fishermen may resign office at any time by giving to the Trustees or their clerk not less than three weeks' written notice of such his intention.

Occasional vacancies among Trustees for the fishermen.

9. If a Trustee elected by the fishermen refuses to accept office, dies, resigns, or becomes incapable or incompetent to act as or ceases to be a Trustee from any cause other than that of going out of office in regular course, the vacancy shall be filled up in manner following (that is to say), the other Trustees elected by the fishermen shall, as soon as may be thereafter, at a meeting of such Trustees elect a qualified person in his stead, and in every case the Trustee so elected shall continue in office for the same period as the person in whose place he is elected would in ordinary course have continued, and shall go out of office at the same time, but shall be eligible for re-election.

Annual roll of electors to be prepared and publicly exhibited.

10. The Trustees shall cause annually to be prepared a roll of all fishermen who are or have qualified themselves to vote at the election of Trustees for the fishermen as defined in this Order, which list shall be publicly exhibited for one month from and after the first day of October in each successive year, and any fisherman whose name does not appear in the said roll, but who claims enrolment, must within thirty days after publication of the said roll, lodge his claim with the clerk of the Trustees in writing, and produce evidence to the Trustees sufficiently substantiating his contention to entitle them to order his name to be added to the roll. Any such additions must be made prior to the first day of November in each year, and the roll shall be finally completed and certified by the chairman or clerk at a meeting of Trustees to be held within fourteen days thereafter.

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Acts of the Trustees valid notwithstanding vacancies.

11. All acts and proceedings of the Trustees shall be valid and regular notwithstanding any vacancy in the number of the Trustees, or any informality in the nomination or election of any Trustee, and on the expiration of their term of office, the Trustees for the time being shall continue to be competent to act until their successors are nominated or elected.

Incorporation of parts of Commissioners Clauses Act.

12. The Commissioners Clauses Act, 1847, except sections six, seven, twenty-three to thirty-five, fifty-four, sixty-six, ninety-two, ninety-three, and ninety-four, and except so far as other sections of that Act are inconsistent with this Order is hereby incorporated with this Order, and that Act shall, so far as the nature and circumstances of the case will admit, apply to the Trustees collectively and severally, subject to the following provisions; namely,—

(1.) With reference to sections seventeen, twenty-one, and forty, the prescribed day shall be the second Thursday of January in each year;

(2.) With reference to section thirty-nine, the prescribed number constituting a quorum of the Trustees shall be five;

(3.) With reference to section eighty-four, the sum to be every year appropriated and set apart out of the surplus rates or revenue, if any, of the harbour as a sinking fund shall be not less than one pound for every hundred pounds of money borrowed, such appropriation to commence after the expiration of seven years from the time when full rates become leviable under this Order;

(4.) With reference to section ninety, it shall not be obligatory on the Trustees to cause the statements and accounts therein mentioned to be printed;

(5.) Notwithstanding anything in the said incorporated Act contained the same person may be both clerk and treasurer to the Trustees.

Stated meetings of Trustees.

13. General meetings of Trustees shall be held in such places as the Trustees shall appoint within the district of Burnmouth proper upon the second Thursday of the months of January, April, and October, at six of the clock after noon, or upon such other day or at such other hour as the Trustees may fix, and all meetings of the Trustees shall be notified to each Trustee in writing at least sixty hours before the hour of meeting.

Special meetings and emergency meetings.

14. The clerk of the Trustees on requisition being made to him in writing stating the object of the intended meeting, and signed by the chairman or two of the Trustees, shall cause special meetings to be called within sixty hours, and to be held within ten days after such requisition. Emergency meetings may be called by the chairman or clerk at any time upon three hours' notice written or verbal.

Election of chairman.

15. The Trustees shall annually elect one of their number to be chairman, who shall preside at all meetings at which he is present.

Trustees to appoint auditor.

16. The Trustees shall from time to time appoint a permanent auditor of the accounts of the Trustees, and fix the salary to be paid to him, and such salary shall be paid to him accordingly by the Trustees out of the rates levied under this Order.

Incorporation of Lands Clauses Acts.

17. The Lands Clauses Acts, except so much thereof as relates to the purchase and taking of lands otherwise than by agreement, and to the entry

upon lands by the promoters of the undertaking, are hereby incorporated with this Order.

Undertakers.

18. The Trustees shall be the Undertakers of the works authorised by this Order.

Limits of harbour.

19. The limits within which the Trustees shall have authority, and which shall be deemed the limits to which this Order and the power to levy rates extend, shall comprise the present and proposed piers and harbours, with all the works, roads, accesses, and conveniences connected therewith, and also the area below the high-water mark within two hundred and twenty yards of any part of the piers and works.

Vesting of existing harbour at Burnmouth in Trustees.

20. From and after the passing of the Act confirming this Order, the existing quay or pier, harbour, and works at Burnmouth within the limits of this Order shall be and the same are hereby vested in the Trustees to and for the uses, ends, and purposes of this Order.

Power to take land by agreement.

21. For the purpose of the works authorised by this Order the Trustees may from time to time by agreement enter on, take, and use all or any part of the lands, foreshore, and hereditaments shown on the deposited plans as they may think requisite for the purposes of this Order.

Lands for extraordinary purposes.

22. The Trustees may purchase and hold for extraordinary purposes any lands not exceeding in the whole three acres, but this Order or anything herein contained shall not exempt the Trustees from any proceedings on account of any nuisance caused or permitted by them on any land acquired by them under this section.

Construction of works.

23. Subject to the provisions of this Order, and subject also to such alterations, if any, in the deposited plans and sections as the Board of Trade may require from time to time, before completion of the works, in order to prevent injury to navigation, the Trustees may on the lands belonging to them or acquired by them under this Order, and in the lines and situation, and according to the levels, and within the limits of deviation shown on the deposited plans, execute and maintain the works authorised by this Order and may maintain the existing harbour.

Description of works.

24. The works authorised by this Order include—

(1.) A wharf, pier, or quay, solid, commencing at the north-east corner or angle of the present pier at Burnmouth, and extending in a north-east by northerly direction for a distance of fifty feet or thereby thence extending in a north by westerly direction for a distance of one hundred and forty feet or thereby and there terminating ;

(2.) The removal of the projecting rocks in the fairway to the harbour within a distance of two hundred and seventy feet from the termination of the above-described work ;

all which said works will be in the parishes of Ayton and Mordington, respectively in the county of Berwick and on the foreshore and in the sea adjacent.

Powers of deviation.

25. Subject to the provisions of this Order, and with the consent of the Board of Trade, the Trustees may in the execution of the works authorised by this Order deviate laterally from the lines of such works delineated on the deposited plans to any extent not exceeding the limits of deviation marked on the said

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plans, and may deviate vertically from the levels of the said works as shown on the deposited sections to any extent not exceeding ten feet.

Improvement and maintenance of harbour.

26. Subject to the provisions of this Order the Trustees may from time to time construct, maintain, alter, and improve the harbour and the existing harbour, quay, and dockage, piers, jetties, wharves, sewers, drains, watercourses, roads, approaches, gates, streets, and other works and conveniences, and may lay down and construct rails, tramways, and sidings on or along the quays, piers, and other works within the harbour, and may alter, dredge, scour, deepen, widen, enlarge, improve, and maintain the entrance, channels, and waterways of the harbour, and may make and maintain buoys, moorings, lights, beacons, landing places, and other works and conveniences: Provided that any line of tramway constructed under the powers of this Order shall not be used for the public conveyance of passengers unless and until the same shall have been inspected and certified by the Board of Trade to be fit for such traffic.

Consent of Board of Trade to works.

27. Any works authorised by this Order below high-water mark shall not be commenced without the consent thereto of the Board of Trade having been first obtained in writing, and shall be executed only in manner approved by the Board of Trade in writing.

Power to construct warehouses, &c.

28. The Trustees may also construct and maintain, or take on lease, all warehouses, offices, sheds, weighing-machines, cranes, and other works, buildings, and conveniences, which may be found necessary in connection with the harbour for the accommodation of vessels thereat, and of traffic landed at or embarked from the harbour.

Penalty for obstructing works.

29. Every person who wilfully obstructs any person acting under the authority of the Trustees in setting out the lines of the works authorised by this Order, or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of the said works, or any part thereof, or who defaces or destroys the said works or any part thereof, shall for every such offence be liable to a penalty not exceeding five pounds.

As to material dredged.

30. All sand, mud, and materials dredged up or removed within the limits of this Order shall be the property of the Trustees, who may from time to time sell or otherwise dispose of the same, or remove or deposit the same within those limits, and may supply ballast to, or remove ballast from, any vessel within the harbour or permit such supply to be obtained or such removal to be effected by the master or owner: Provided that no sand, mud, or other material shall be laid down or deposited in any place below high-water mark without the consent of the Board of Trade having been first obtained.

Local survey may be ordered by Board of Trade at expense of Trustees.

31. The Board of Trade may at any time and from time to time as they may deem it expedient, order a local survey and examination of any works of the Trustees in, over, or affecting any tidal water, or of the intended site thereof, and the Trustees shall defray all the costs of each such survey and examination, and the amount of such costs shall constitute a debt due from the Trustees to the Crown, and may be recovered accordingly.

Power to levy rates.

32. When a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this

Order, or otherwise necessary for the due construction of the works authorised by this Order, have been given, all or any existing exemptions from payment of rates or harbour dues shall cease and determine, and the Trustees may, subject to the provisions of this Order, for the use of the harbour and works and conveniences connected therewith, demand and take in respect of vessels, boats, persons, animals, fish, goods, and things, and of services rendered, described in the schedule to this Order, any sums not exceeding the several rates specified in such schedule.

Power to levy rates on fishing boats and fish.

33. The fishermen having expressed a desire that the rates on fishing boats and fish should be taken before any works authorised by this Order are executed or commenced, in order to secure an adequate revenue to authorise the borrowing of money necessary for the purposes of the undertaking, therefore, notwithstanding the twenty-fifth section of the Harbours, Docks, and Piers Clauses Act, 1847, the Trustees may, on and after the first day of September, one thousand eight hundred and ninety-four, for the use of the harbour and works, demand, receive, and recover any sums not exceeding the several rates on fishing boats specified in Parts II. and III., and any sums not exceeding the several rates on fish specified in Part IV. of the schedule to this Order; but the Board of Trade may, if in their discretion they think fit, upon the representation of any twelve or more fishermen regularly using the harbour, and after inquiry at any time and from time to time reduce those rates to such extent as they think proper, but with power at any time and from time to time to raise them again to sums not exceeding those authorised by the said schedule.

Rates may be levied though works not completed.

34. When and so soon as it shall be at any time or from time to time certified in writing under the hand of any officer to be appointed for the purpose by the Board of Trade and paid by the Trustees, that the works authorised by this Order have been so far completed as to afford increased harbour accommodation by means of such works, the Trustees may, notwithstanding the twenty-fifth section of the Harbours, Docks, and Piers Clauses Act, 1847, and although the whole of the works authorised by this Order shall not then have been completed, demand, receive, and recover such of the rates, or such proportion of all or any of the rates specified in the schedule to this Order as shall, in the opinion of the Board of Trade, be commensurate to the increased accommodation afforded.

Existing rates to cease when new rates leviable.

35. When and so soon as the Trustees are entitled to demand and take the several rates specified in the schedule to this Order, all other rates, tolls, dues, or duties shall cease to be demanded in respect of the harbour or the works or conveniences connected therewith, but without prejudice to their right to recover any money actually due at the time of cesser, and all exemptions from payment of rates, tolls, or dues shall cease to be operative.

Revision of rates.

36. The Trustees shall from time to time revise the rates received by them under this Order, so that the income of the Trustees under this Order may always be, so far as practicable, sufficient, and not more than sufficient, for the purposes of this Order, and if at any time and from time to time the clear annual income derived from the rates on the average of the then three last preceding years, after payment of all expenses and outgoings, shall exceed the amount sufficient to answer the purposes of this Order, the Board of Trade may,

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if in their discretion they think fit, reduce such rates to such sums as will be sufficient to provide the amount aforesaid, with power to the Board of Trade at any time and from time to time to raise them again to not exceeding the sums specified in the schedule to this Order.

Power to lease rates.

37. The Trustees may from time to time lease the rates and dues authorised by this Order for any term not exceeding seven years to take effect on possession, and for such rent and consideration and on such terms as they think fit, and the lessee shall have and may exercise during the continuance of his lease the same powers of levying and recovering rates and dues as the Trustees have or might exercise under the Harbours, Docks, and Piers Clauses Act, 1847, and this Order, and shall be subject to all the provisions as to accounts and otherwise to which the Trustees are subject under this Order.

Power to confer exemptions and compound for rates.

38. The Trustees may from time to time confer, vary, or extinguish exemptions from and enter into compositions with any person or persons or company with respect to the payment of the rates authorised by this Order, but so that no preference be given to any person or company, and that anything done under this section shall not prejudice the other provisions of this Order.

Master of vessel to report arrival.

39. Within twelve hours after the arrival within the harbour of any vessel liable to rates, the master of such vessel shall report such arrival to the collector of rates, and if he fails to make such report within the time aforesaid, and after he has been required to do so by the collector, he shall be liable to a penalty not exceeding ten pounds.

Masters of fishing boats to report arrival and give account of take of fish.

40. The master or owner of every fishing boat shall on arrival in the harbour forthwith report the same to the harbour-master or collector of rates, and shall furnish to the collector a true and accurate statement of his take of fish, and the names of the persons obtaining delivery thereof and liable for the rates or dues thereon, and any such master or owner failing so to do shall be liable to a penalty not exceeding ten pounds.

Harbour master may prevent sailing of vessels when rates have not been paid.

41. The harbour-master may prevent the removal or sailing out of the harbour of any vessel in respect of which any rate or due shall have been payable until evidence shall have been produced to him of the payment of such rate or due to the collector of rates, and until the master or owner shall have given in a statement of his or their take of fish as required by the last preceding section hereof.

Trustees may provide and license steam tugs.

42. The Trustees may from time to time build, purchase, contract for, or hire, and may maintain, use, and let steam tugs or other power for the use and accommodation of vessels frequenting the harbour, and may also from time to time license such number of steam tugs or other power belonging to any person for such period and on such terms and conditions as they think fit.

Charges for use of steam tugs.

43. The Trustees may from time to time, with the approval of the Board of Trade, fix such rates and charges as appear to them reasonable for or in respect of the use of such steam tugs or other power maintained, used, and let or licensed by them, and such rates or charges shall be paid by the owner, agent, master, consignee, or other person having charge of the vessel obtaining assistance of such steam tug or other power to the Trustees, or their lessee, or to the person with whom they contract, or to the owner of such steam tug or other power, if licensed by the Trustees, as the case may be, and such rates and

charges shall be due and payable whether such steam tug or other power shall be actually employed or not, provided the assistance thereof shall have been required and shall, in consequence of a requisition, have been tendered by the master or other person having command of such steam tug or other power.

Rates for use of warehouses, &c.

44. The Trustees may demand and receive such rates or other consideration as they may think reasonable for the use of any warehouses, offices, sheds, buildings, weighing-machines, cranes, works, and conveniences belonging to the Trustees for the use of which rates are not specified in the Schedule to this Order.

Certain fishing vessels under stress of weather exempt from rates.

45. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties or port charges such vessels when driven by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the harbour and works, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Certain officers and others exempt from rates.

46. The Secretary for Scotland and any person or persons deputed by him, and officers of the Board of Trade and of the Fishery Board for Scotland, being in the execution of their duties, shall at all times have free ingress, passage, and egress to, in, through, out of, and from the harbour and works by and with their vessels and otherwise, without payment.

Lifeboat crew exempt from rates.

47. All persons going to or returning from any lifeboat, or using any apparatus for saving life, and being persons either belonging to the crew of the lifeboat, or to the coastguard, or being persons for the time being actually employed in saving life, or in exercising or using the lifeboat or the apparatus for saving life, and also all persons brought ashore from any vessel in distress, shall at all times have free ingress, passage, and egress to, in, through, out of, and from the harbour and works without payment.

Life-saving apparatus may be attached to any part of harbour.

48. The officers of the coastguard, and all other persons for the time being actually employed in connexion with the lifeboat or the apparatus for saving life, may, either permanently or temporarily, and from time to time, without payment, attach or cause to be attached to any part of the harbour or works, spars and other apparatus for saving life, and may also, either in course of using or of exercising the apparatus for saving life, fire rockets over the harbour and works.

Meters and weighers may be licensed.

49. The Trustees may appoint and license a sufficient number of persons to be meters and weighers at and within the harbour.

Trustees to be local authority.

50. For the purposes of this Order the Trustees shall be deemed a local authority within the meaning of the Merchant Shipping Acts, 1854 to 1880, and all the powers by those Acts conferred on local authorities shall be vested in the Trustees for the purposes of this Order.

Annual account to be sent to Board of Trade.

51. The Trustees shall within one month after sending to the sheriff clerk the copy of their annual account in abstract, which account shall be made up to the end of the day on the twenty-fifth day of March in each year, send a copy of the same to the Board of Trade, and section sixteen of the General Pier and Harbour Act, 1861, Amendment Act shall apply to and include any and every such account. If the Trustees refuse or neglect to comply with this provision

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they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds.

Power to borrow money.

52. The Trustees may from time to time borrow at interest such money as may be required for the purposes of this Order, not exceeding in the whole the sum of five thousand pounds, on the security of the rates and charges by this Order authorised to be taken or any part thereof.

Power to borrow on cash account.

53. The Trustees may accept and take from any bank or banking company credit on a cash account to be opened and kept with such bank or banking company in the name of the Trustees according to the usage of bankers in Scotland to the extent of the sum which the Trustees are hereby authorised to borrow, or any part thereof, and may assign the rates and duties hereby authorised in security of the payment of the amount of such credit, or of the sums advanced from time to time on such cash account with interest thereon: Provided always that the whole principal sums due and owing by the Trustees on such cash account and for money otherwise borrowed by them on the security of the rates and duties authorised by this Order, shall not when taken together exceed the sum by this Order authorised to be borrowed.

Application of money borrowed.

54. The Trustees shall apply all money borrowed by them under this Order in defraying the costs of the works, conveniences, and purposes authorised by this Order, and of other purposes in connexion with the harbour to which capital is properly applicable and not otherwise.

Reborrowing.

55. Any money borrowed under this Order and discharged otherwise than by means of a sinking fund or by instalments may be reborrowed, if required, for the purposes of this Order and so from time to time.

Payment of arrears of interest and principal may be enforced by appointment of judicial factor.

56. If within two months after the interest of any mortgage granted by the Trustees has become due, or after the period prescribed for the payment of the principal sum in any such mortgage has expired, such interest or principal (as the case may be) shall not be paid, the holders of such mortgage may, without prejudice to any rights, remedies, or security otherwise competent to or held by them, apply for the appointment of a judicial factor as herein-after provided.

Appointment of judicial factor.

57. Every application for the appointment of a judicial factor under the provisions of this Order shall be made to the sheriff, and on any such application the sheriff may, by order in writing, after hearing the parties, appoint some person as judicial factor to receive the whole or a competent part of the rates and duties authorised by this Order until the arrears of interest, or of principal or of principal and interest, as the case may be, then due on the outstanding mortgages, with all costs, including the charges of receiving the said rates and duties be fully paid. Upon such appointment being made the said rates and duties, shall be paid to and received by the judicial factor, and so soon as the full amount of interest, or of principal and interest, as the case may be, and costs has been so received, the power of the judicial factor shall cease, and after payment of the said costs the judicial factor shall distribute among all the holders of the said mortgages to whom interest or principal shall be in arrear the rates, duties, and other moneys which shall have been received by him, having regard in such distribution to the priorities (if any) of such mortgages.

Amount necessary to authorise application for judicial factor.

58. The amount necessary to authorise the application for appointment of a judicial factor shall be two thousand pounds in one or more mortgages.

Sinking fund.

59. The Trustees shall every year appropriate and set apart out of the surplus revenues (if any) of the harbour such a sum as will with the accumulations thereof by way of compound interest, be sufficient to pay off the whole of the principal moneys borrowed under this Order within fifty years after the same are respectively borrowed.

Contingency fund.

60. The Trustees shall yearly, for the purpose of forming and maintaining a contingency fund not exceeding the sum of two thousand five hundred pounds, to meet any unforeseen accident or extraordinary damage which may happen or be caused to the harbour, set apart the surplus revenue of the harbour (if any) after meeting the ordinary expenditure and interest and sinking fund, as by this Order provided, and shall deposit the sum set apart in some joint-stock bank of issue in Scotland, to be increased by accumulation in the way of compound interest or otherwise, until required for any of the aforesaid purposes, and to be applied as required for the maintenance and improvement of the harbour.

Annual return to Board of Trade with respect to sinking fund.

61. The clerk to the Trustees shall within two months after the expiration of each year during which any sum is required to be set apart for a sinking fund under this Order, transmit to the Board of Trade a return in such form, as may be prescribed by that Board and verified by statutory declaration, if so required by them, showing the amount which has been invested or deposited for the purpose of the sinking fund during the year preceding the making of such return, and the description of the securities upon which the same has been invested or deposited, and also showing the purpose to which any portions of the moneys invested or deposited for the sinking fund and the interest thereof have been applied during the same period, and the total amount remaining invested or deposited at the end of the year, and in the event of any wilful default in making such return, such clerk shall be liable in a penalty not exceeding twenty pounds. If it appears to the Board of Trade by such return or otherwise that the Trustees have failed to set apart, in accordance with the provisions of this Order, the sum required by this Order for the sinking fund, or have applied any portion of the moneys set apart for that fund, or any interest thereof to any purposes other than those authorised by this Order, the Board of Trade may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested or deposited as part of the sinking fund, and such order shall be enforceable by decree of either Division of the Inner House of the Court of Session in Scotland in a summary application presented for that purpose.

Application of revenues.

62. The rates received by the Trustees under this Order and the other harbour revenues shall be applied for the purposes, and in the order following, and not otherwise ; (that is to say) :—

(1.) In paying the costs, charges, and expenses of or incident to preparing and obtaining this Order or otherwise incurred in relation thereto ;

(2.) In paying the expenses of the maintenance, repair, improvement, management, and regulation of the harbour and works now existing, and the works authorised by this Order, including the expense of the execution, maintenance, and repair of such other works, buildings, sheds, warehouses, wharves, jetties, tugs, dredges, hydraulic machinery, cranes, engines, and conveniences, as from time to time shall be necessary for the purposes of the harbour or

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the accommodation of the shipping resorting thereto, and in defraying the other necessary administration expenses of the Trustees in relation to the harbour, including the cost of borrowing money under this Order;

(3.) In paying year by year the interest on money borrowed by the Trustees for the purposes of this Order;

(4.) In forming a sinking fund for payment of principal moneys borrowed under this Order;

(5.) In forming and maintaining a contingency fund, not exceeding the sum of two thousand five hundred pounds, for accidents or extraordinary damage to the harbour;

(6.) In paying off any other debts contracted or to be contracted by the Trustees for the purposes of this Order;

(7.) In executing the works authorised by this Order, and in further improving, deepening, and extending the harbour and works connected therewith, and in carrying into effect the purposes of this Order.

Works authorised to form part of undertaking of Trustees.

63. The existing harbour at Burnmouth and the works authorised by this Order, shall, for all purposes, including the levying and collection of rates and dues, be deemed and taken as forming part of the undertaking of the Trustees.

Portion of Harbour Clauses Act excepted.

64. Sections sixteen to nineteen, inclusive, of the Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order, but the Trustees shall, at their own expense, when required by the Board of Trade, provide to the satisfaction of the Board of Trade a site near the harbour, and build on such site a house and other proper accommodation for a lifeboat, rocket apparatus, and other life-saving apparatus, and shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit to provide such accommodation after having been required so to do by the Board of Trade.

Partial incorporation of Harbour and Passing Tolls Act.

65. Part V. of the Harbours and Passing Tolls, &c. Act, 1861, shall be incorporated with this Order.

Power to Trustees to purchase or hire dredgers and apparatus.

66. The Trustees may, for the purposes of the works authorised by this Order, or any of them, from time to time provide, purchase, lease, or hire such steam or other dredgers, engines, tugs, lighters, or other vessels, diving-bells, ballast-lighters, rubbish-lighters, tools, plant, or other materials as they think fit, and may from time to time demand and receive such sums for the use of the same as they may think fit, or may sell or dispose of the same, and the money thereby realised shall be applied towards carrying into effect the purposes of this Order or some of them.

Boats not to anchor within harbour, without consent of Trustees.

67. No vessel or boat shall, without the consent of the Trustees or their harbour master, anchor within the limits of the harbour.

Byelaws.

68. The Trustees may make byelaws for the regulation and control of vessels and boats within the harbour, and for the regulation and control of the fishermen and other persons, and goods and traffic in and at the harbour and works, ground, or property belonging to the Trustees and used for harbour purposes, but such byelaws shall not come into operation until the same have received the allowance and confirmation of the Board of Trade, which shall be sufficient for all purposes.

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Lights to be exhibited during construction of works.

69. Before commencing the works authorised by this Order, the Trustees shall apply to the Board of Trade for directions as to the lights to be exhibited, and shall in all respects obey any direction given upon such application or afterwards from time to time given as to lights by the Board of Trade during the construction of the works, and compliance with directions so given shall satisfy and be in the place of every other statutory requirement as to lights during construction of the works, and the Trustees shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse or neglect to observe any such direction.

As to lights after completion of works.

70. After completion or permanent discontinuance or abandonment of the works authorised by this Order, the Trustees shall, at the outer extremity of the pier or the completed portions thereof, or in such other place or places as may be required, exhibit for all or any part of the time from sunset to sunrise, and according to the requirements of the traffic and the season of the year, such light or lights (if any) as shall from time to time be directed by the Commissioners of Northern Lighthouses, and shall apply to those Commissioners for directions as to lighting, and the Trustees shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse or neglect to observe any such direction.

Provision against danger to navigation.

71. In case of injury to, or destruction or decay of, the piers or works, or any part thereof, the Trustees shall lay down such buoys, exhibit such lights, or take such other means for preventing as far as may be danger to navigation as shall from time to time be directed by the Commissioners of Northern Lighthouses, and shall apply to those Commissioners for directions as to the means to be taken, and the Trustees shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse or neglect to obey any such direction.

Power to cease in certain events.

72.—(1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order should not be substantially commenced, the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease, unless the time for commencement be extended by the Board of Trade.

(2.) If the works authorised by this Order, after having been substantially commenced, should be virtually suspended for twelve consecutive calendar months, the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease, except as to so much of such works as shall be then completed, unless such powers shall, by the special direction of the Board of Trade, be continued and directed to remain in force for any period not exceeding five years from the date of the Act confirming this Order.

(3.) In either of the above cases a certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall, for the purposes of this Order, be conclusive evidence of the facts stated in such certificate.

Saving rights under Crown Lands Act.

73. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges, transferred to the management of the

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Board of Trade by the Crown Lands Act, 1866, nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges, without the consent of the Board of Trade having been first obtained.

Saving rights of Crown under Crown Lands Act.

74. Nothing contained in this Order, or to be done under the authority thereof, shall in any manner affect the title to any of the subjects, or any rights, powers, or authorities mentioned in or reserved by sections twenty-one and twenty-two of the Crown Lands Act, 1866, and belonging to or exerciseable on behalf of Her Majesty, Her heirs, or successors.

Compensation for injury to Crown right of salmon fishing.

75. It shall not be lawful for the Trustees to construct any work on any land over which a right of salmon fishing belongs to Her Majesty without the previous consent in writing of the Commissioners or Commissioner for the time being of Her Majesty's Woods, Forests, and Land Revenues having the management of the land revenue of the Crown in Scotland, and such consent may be given on payment of such compensation as may be agreed upon for any injury which the works by this Order authorised may be reasonably expected to occasion to any such right of salmon fishing as in this section mentioned, and subject to such conditions as may be agreed upon. And in case the amount of such compensation as aforesaid shall not be agreed upon, the same shall be settled by two referees, one being appointed by the said Commissioners or Commissioner, and one being appointed by the Trustees or by an umpire to be appointed by the said referees, and the charges and expenses of such referees or their umpire shall be paid by the Trustees.

Compensation for injury to Crown salmon fishings.

76. The Trustees shall make compensation for the damage or injury (if any) which may be sustained by Her Majesty or Her tenants in respect of any right of salmon fishing through the exercise of the powers of this Order, although the works causing such injury may be constructed elsewhere than on any land over which a right of salmon fishing belongs to Her Majesty, and the amount of such compensation shall be subject to the provisions of the last preceding section of this Order.

Costs of Order.

77. All costs, charges, and expenses of or incident to preparing and obtaining this Order, or otherwise incurred in relation thereto, shall be paid by the Trustees, and the Trustees may apply any of their funds towards such purposes.

Short title.

78. This Order may be cited as the Burnmouth Harbour Order, 1894.

The SCHEDULE to which the foregoing Order refers.

PART I.

TONNAGE DUTIES.

	s.	d.
For each vessel to or from any port or place in Great Britain or Ireland, using the harbour to load or unload - - - per register ton	0	4
For each such vessel windbound or otherwise entering the harbour, and not loading or unloading, and not paying the aforesaid rate - - - - - per register ton	0	2
For each steam tug entering the harbour towing or to tow vessels -	2	6
For each vessel to or from any foreign port or place using the harbour - - - - - - per register ton	0	8
For each such vessel windbound or otherwise using the harbour, and not loading or unloading, and not paying the aforesaid rate per register ton	0	4
For each pleasure boat using the harbour - - - per register ton	0	4
For each vessel leaving the harbour and put back by stress of weather without having accomplished the voyage no additional rate shall be charged on such return.		
For each vessel or boat remaining in the harbour beyond a fortnight, for each additional week after the first fortnight (a fraction of a week being considered as a week), one-half of the above rates in every case.		

PART II.

RATES FOR FISHING BOATS USING THE HARBOUR, EXCLUSIVE OF THEIR CARGOES.

For every boat not exceeding 20 tons register engaged in the herring fishery, as a composition in full of tonnage duty for the period of the herring fishing season, from 1st May to 1st October, payable in advance, for every foot of length of the boat over all - - - -	0	6
For every boat not exceeding 20 tons register loading or discharging herrings not paying the aforesaid composition, on each occasion of entering the harbour - - - - - - -	2	0
And when windbound or otherwise, and not loading or discharging, and not paying the aforesaid rate - - - - -	1	0
For every boat above 20 tons register engaged in the herring fishery, as a composition in full of tonnage duty for the period of the herring fishing season, from 1st May to 1st October, payable in advance, for every foot of length of the boat over all - - - - - -	0	6
And in addition for each ton register beyond 20 tons - -	1	0
For every boat above 20 tons register loading or discharging herrings not paying the aforesaid composition, on each occasion of entering the harbour - - - - - - - -	2	0
And in addition for each ton register beyond 20 tons - -	0	1
And when windbound or otherwise, and not loading or discharging, and not paying the aforesaid rate - - - - -	1	0
And in addition for each ton register beyond 20 tons - - -	0	$0\frac{1}{2}$

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	s.	*d.*
For every boat not exceeding 20 tons register engaged in the white fishing, as a composition in full of tonnage duty for the period of the white fishing season, from 1st October to 1st May, payable in advance, for every foot of length of the boat over all - - -	1	0
For every boat not exceeding 20 tons register loading or discharging white fish not paying the aforesaid composition, on each occasion of entering the harbour - - - - - -	2	6
And when windbound or otherwise, and not loading or discharging, and not paying the aforesaid rate - - - -	1	3
For every boat above 20 tons register engaged in the white fishing, as a composition in full of tonnage duty for the period of the white fishing season, from 1st October to 1st May, payable in advance, for every foot of length of the boat over all - - - - -	1	0
And in addition for each ton register beyond 20 tons - -	2	0
For every boat above 20 tons register loading or discharging white fish not paying the aforesaid composition, on each occasion of entering the harbour - - - - - -	2	6
And in addition for each ton register beyond 20 tons - -	0	1
And when windbound or otherwise, and not loading or discharging, and not paying the aforesaid rate - - - -	1	3
And in addition for each ton register beyond 20 tons -	0	0½
For every boat prosecuting the herring fishing or the white fishing beyond the dates before defined as the limits of the season, the same rates both as a boat engaged in the herring fishing and as a boat engaged in the white fishing.		
For every boat engaged in the crab fishing (1) for the summer the same rates as a boat engaged in the herring fishery, and (2) for the winter the same rates as a boat engaged in the white fishing.		

PART III.

LIGHT DUES, WATER MONEY, &c.

(*a.*) LIGHT DUES.

For each vessel other than a fishing boat, each time of entering the harbour, per register ton - - - - - -	0	0½
For each fishing boat each time of entering the harbour—		
During the herring season - - - - -	0	2
During the white fishing season, for each man of the crew - -	0	2
Instead of the last-mentioned rates any fishing boat may pay in advance along with the composition for rates—		
For the herring season - - - - -	2	6
For the white fishing season, for each man of the crew - -	2	6

But dues for lights shall only be demanded and received during so long as a light or lights are exhibited in accordance with the provisions of the foregoing Order.

(*b.*) Water Money.

	s.	d.
For all vessels and boats, per 25 gallons supplied on board	0	3
Instead of the above rate any fishing boat may pay in advance a composition, either for the herring season or the white fishing season, of, for each man of the crew	2	6

(*c.*) Weighing Dues.

For use of weighing-machine	per ton	0	1

Part IV.

Rates on Goods shipped, unshipped, or transhipped within the Harbour.

Acorns	per bushel	0	0½
Aerated waters, all kinds	per cwt.	0	1
Alabaster	per cwt.	0	1
Ale, beer, porter, mum, cider, perry, or vinegar	per 10 gallons	0	1
Alum	per cwt.	0	1
Aquafortis	per cwt.	0	1
Ashes, pot, pearl, or soap	per cwt.	0	2
Asphalt and bitumen and the like	per cwt.	0	1
Ashes, fern or wood	per cwt.	0	0½
Ballast—			
Inward, whether landed or shifted into another vessel	per ton	0	9
Outward, whether taken out of another vessel or from the quay or shore	per ton	1	6
Barilla	per ton	1	0
Bark	per ton	1	0
Bark, Jesuits'	per lb.	0	0½
Barley (see Corn).			
„ shelled or pearl	per 20 stones	0	1
Barrels, kits, and boxes (empty)	each	0	0½
Baskets, hand	per dozen	0	3
Battens and ends (see Wood).			
Beef, mutton, pork, veal, bacon, hams, and tripe, and other provisions not otherwise charged (fresh, salted, or preserved)	per cwt.	0	1½
Beeswax	per cwt.	0	3
Bells and bell metal	per cwt.	0	1
Bellows	per cwt.	0	2
Blankets	per dozen	0	4
Blubber	for every ton of oil produced by it	0	6
Bones (crushed or uncrushed), bonemeal, bone ash, and the like	per ton	1	0
Books and stationery	per cwt.	0	2
Bottles, glass	per gross	0	4
„ stone	per dozen	0	1
„ broken	per ton	0	6

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	s.	d.
Bran - - - - - - - per cwt.	0	0½
Brandy - - - - - - per gallon	0	0½
Brass - - - - - - - per cwt.	0	1
Bread - - - - - - - per cwt.	0	1
Bricks, common - - - - - - per 1,000	0	6
„ stock or fire, flat or flooring - - - per 1,000	0	8
Brimstone - - - - - - - per cwt.	0	2
Bulrushes - - - - - - per cwt.	0	1
Burnt ore - - - - - - - per ton	0	4
Butter - - - - - - - per cwt.	0	2
Calicoes and other cotton goods - - - - per cwt.	0	2
Candles - - - - - - - per cwt.	0	2
„ wax - - - - - - - per cwt.	0	4
Canvas or sail cloth - - - - - per 36 yards	0	1
Carboys (empty) - - - - - - each	0	1
Carpets - - - - - - - per cwt.	0	2
Carriage or cart, 2 wheels - - - - - -	1	6
„ „ 4 „ - - - - -	3	0
Carrots and cabbages - - - - - per ton	0	6
Casks, empty - - - - - - - each	0	2
„ „ if under 36 gallons - - - - each	0	1
Cattle, viz. :—		
Bulls, cows, and oxen - - - - each	1	0
Calves - - - - - - - each	0	3
Cement and concrete of all kinds - - - per ton	0	6
Cheese - - - - - - - per cwt.	0	2
Cinders, coke, and charcoal of all kinds - - - per ton	0	6
Clay - - - - - - - - per ton	0	3
Chalk - - - - - - - per ton	0	3
Chimney tops, cans, and the like - - - - each	0	1
Cloth, hair - - - - - - per cwt.	0	2
„ linen - - - - - - - per cwt.	0	4
„ sack - - - - - - per cwt.	0	2½
„ woollen, and other woollen goods - - - per cwt.	0	4
Coals - - - - - - - per ton	0	6
Copper, wrought or unwrought - - - - per cwt.	0	1
„ ore - - - - - - - per ton	0	6
Copperas - - - - - - - per cwt.	0	3
Coprolite - - - - - - - per ton	0	6
Cordage, twine, and netting - - - - - per cwt.	0	1
Corkwood and corks - - - - - per cwt.	0	2
Corn and grain, viz. :—		
Wheat, barley, beans, oats, peas, tares, rye, Indian corn, and malt per quarter	0	2
Cotton - - - - - - - per cwt.	0	2
Crabs and all kinds of shellfish - - - per cwt.	0	1½
Cream of tartar - - - - - - per cwt.	0	4
Cutch and gambia - - - - - per cwt.	0	3

			s.	d.
	Deals and deal ends (see Wood).			
	Dimities	per cwt.	0	2
	Drugs	per lb.	0	0½
	Dusters, brooms, and brushes	per dozen	0	1
5	Dyeing stuffs not otherwise charged	per cwt.	0	1
	Earthenware	per cwt.	0	6
	Eggs	per chest of 1,600	1	0
	„	per 120	0	1
	Esparto grass	per ton	1	0
10	Feathers, flock, and quills	per cwt.	0	2
	Fish, viz. :—			
	Herrings, fresh when landed	per 37½ gallons	0	2
	„ cured, export or import	per 26⅔ gallons	0	3
	Salmon, fresh, salt, or dried	per cwt.	0	1½
15	Other fish, fresh when landed	per cwt.	0	1½
	„ „ cured, export or import	per cwt.	0	1½
	Fish offal and refuse	per cwt.	0	0½
	Livers	per cwt.	0	0½
	Flax, dressed or undressed	per cwt.	0	1
20	„ if in bulk	per cwt.	0	1½
	Flour, groats, and meal of all kinds	per 20 stones	0	3
	„ and if in bulk	per cwt.	0	1½
	Fruit of all kinds not otherwise charged	per cwt.	0	4
	„ „ „	per bushel	0	1
25	Fuller's earth	per cwt.	0	0½
	Game, viz. :—			
	Rabbits	each	0	1
	All others	each	0	2
	Glass, window	per cwt.	0	3
30	Glass, broken	per cwt.	0	1
	Glasses, decanters, and other white glass	per cwt.	0	6
	Glue and gum	per cwt.	0	2
	Grates, stoves, &c.	per cwt.	0	1
	Grease	per cwt.	0	1
35	Greaves	per cwt.	0	1
	Groceries, viz. :—			
	Coffee, sugar, confections, dried fruits, molasses, ginger, spices, rice, soap, tobacco, snuff, and all others manufactured or unmanufactured	per cwt.	0	4
40	Gunpowder	per cwt.	0	4
	Haberdashery and millinery goods	per cwt.	0	4
	Hair (horse or cattle)	per cwt.	0	4
	Handscoops	per dozen	0	0½
	Handspikes, dressed	per dozen	0	6
45	Hats	per stone	0	6
	Hay	per ton	1	6
	Hemp	per ton	1	8
	Hides, skins, and pelts	per cwt.	0	2

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		s.	*d.*	
Horses and mules	each	1	0	
Hoops, wooden	per cwt.	0	0½	
„ iron	per cwt.	0	2	
Hops	per cwt.	0	4	5
Horns or horn tips	per cwt.	0	2	
Hosiery and clothing of all kinds	per cwt.	1	0	
Household furniture	per cwt.	0	3	
Husbandry implements and utensils	per cwt.	0	2	
Ice	per ton	0	6	10
Indigo	per cwt.	0	4	
Iron, viz. :—				
Pig iron	per ton	0	6	
Cast iron	per ton	1	0	
Wrought and bar	per cwt.	0	1	15
Broken or old	per ton	0	6	
Ironmongery goods	per cwt.	0	1	
Isinglass	per cwt.	0	2	
Kelp	per ton	0	6	
Lard and grease	per cwt.	0	2	20
Lathwood (see Wood).				
Lead	per cwt.	0	1	
„ white, red, or black	per cwt.	0	1	
„ shot	per cwt.	0	1	
Leather	per cwt.	0	2	25
Lemons or oranges	per cwt.	0	6	
Lime	per ton	0	6	
Live animals not otherwise charged	each	0	3	
Manures, artificial, guano, bonedust, phosphates, &c.	per ton	1	0	
Manure, street dung, and the like	per ton	0	1½	30
Marble	per ton	1	6	
Mats	per 120	0	6	
Metals of all kinds not otherwise charged	per ton	1	0	
Musical instruments of all kinds	per cwt.	0	6	
Mussels	per ton	0	6	35
Nuts	per cwt.	0	2	
Oakum	per cwt.	0	0½	
Oil	per cwt.	0	1	
Oilcake and feeding stuffs not otherwise charged	per cwt.	0	0½	
Paints of all kinds	per cwt.	0	1	40
Paper and millboards of all kinds	per cwt.	0	2	
Peats	per ton	0	3	
Pewter	per ton	1	8	
Pipes, tobacco	per cwt.	0	6	
Pitch	per cwt.	0	1	45
Plaster of Paris	per cwt.	0	1	
Potatoes	per ton	0	6	
Poultry, all kinds	each	0	1	
Pyrites	per ton	0	6	

		s.	d.
	Quicks or twigs - - - - - - per cwt.	0	2
	Rags, old ropes, marine stores, &c. - - - per ton	0	6
	Rosin - - - - - - per cwt.	0	1
5	Rottenstone - - - - - - per cwt.	0	1
	Rugs - - - - - - per cwt.	0	4
	Sails - - - - - - per 50 square yards	0	2
	Salt - - - - - - - per ton	0	6
	Salts, Glauber - - - - - - per cwt.	0	4
10	Saltpetre - - - - - - - per cwt.	0	2
	Sand - - - - - - per ton	0	2
	Seeds, viz. :—		
	Clover - - - - - - per cwt.	0	1
	Flax and rape - - - - - per cwt.	0	0½
15	Hemp and canary - - - - - per cwt.	0	1
	Mustard - - - - - per cwt.	0	2
	Rye grass - - - - - - per quarter	0	1
	Turnip - - - - - - per bushel	0	1
	Garden seeds and all others not before mentioned - per cwt.	0	2
20	Scythe or whetstones - - - - - per 120	0	2
	Seaware - - - - - - per ton	0	2
	Sheep and lambs - - - - - - each	0	2
	Shoes and boots - - - - - - per cwt.	0	6
	Sickles - - - - - - - per cwt.	0	2
25	Sieves - - - - - - - per cwt.	0	2
	Silk, wrought or unwrought - - - - per cwt.	0	6
	Slates - - - - - - - per ton	0	6
	Smelts - - - - - - - per cwt.	0	1
	Soot - - - - - - - per ton	0	6
30	Spades and shovels - - - - - per dozen	0	2
	Spirits and wines of all kinds not otherwise charged, British or foreign per 10 gallons	0	4
	Spokes, carriage, wagon, or cart - - - - per 120	0	1
	Starch - - - - - - - per cwt.	0	2
35	Staves, barrel - - - - - - per 120	0	1
	Hogshead - - - - - per 120	0	2
	Pipe - - - - - - - per 120	0	3
	Cutting or board ends - - - - per 1,000	0	2
	Steel - - - - - - - per cwt.	0	1
40	Stones, viz. :—		
	Rubble - - - - - - per ton	0	2
	Freestone - - - - - - per ton	0	4
	Pavement - - - - - - per ton	0	4
	Curb - - - - - - - per ton	0	4
45	Paving and causeway stones - - - per ton	0	2
	Grindstones - - - - - - each	0	4
	Millstones - - - - - each	1	6
	Ragstones - - - - - - per 120	0	2
	Gravestones - - - - - each	2	0

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Burnmouth.

		s.	*d.*
Straw	per ton	1	0
Sulphur ore	per ton	0	6
Tar	per cwt.	0	6
Tea	per cwt.	0	6
Tiles, viz. :—			
Drain tiles	per 1,000	0	6
Pantiles	per 1,000	0	6
Malsters	per 1,000	0	10
Tin and tin plates of all kinds	per ton	1	0
Tow	per cwt.	0	1
Toys of all kinds	per cwt.	0	2
Treenails	per 1,000	0	2
Trees, young	per cwt.	0	2
Turnips and mangold and the like	per ton	0	4
Turpentine	per cwt.	0	1
Varnish	per cwt.	0	1
Vitriol	per cwt.	0	1
Whalebone	per cwt.	0	1
Wheels, carriage or cart	per pair	0	3
Whiting	per ton	0	6
Wire and wire netting	per cwt.	0	1
Wood—			
On all timber of any denomination not otherwise charged	per 50 cubic feet	0	4
Mahogany	per 40 cubic feet	1	0
Wool	per cwt.	0	6
Yarn—			
Cotton	per cwt.	0	2
Linen	per cwt.	0	2
Wick for candles	per cwt.	0	2
Woollen	per cwt.	0	2
Yeast	per cwt.	0	2
All heavy goods and articles not particularly mentioned in the Schedule	per ton	0	6
Every article however small not otherwise charged		0	$0\frac{1}{2}$

All goods not enumerated in the above Schedule to be charged in proportion to other goods of a similar kind specified in the Schedule.

In charging the rates on goods for any less weight, measure, or quantity than those above specified, the proper proportion shall be charged.

Goods imported and shifted to another vessel for exportation and not landed to pay only single duty.

All goods having paid shore dues outwards are exempted from dues when brought inwards if they be returned goods to the original shipper and in the original state.

In weighing and measuring goods for ascertaining the shore dues payable, the weight or measurement of the packages is to be included.

	s.	d.
All articles left upon any of the piers or quays or other part of the harbour and works more than twenty-four hours to be charged one-half of the foregoing rates for each twenty-four hours or part thereof of additional time over and above the rates specified in the Schedule.		

PART V.

RATES ON PASSENGERS AND PASSENGERS' LUGGAGE.

For each passenger embarking or disembarking - - -	0	1
The personal luggage of each passenger not to be charged if not exceeding 1 cwt., but if exceeding 1 cwt. the excess to be charged for each cwt. or part thereof - - - - - - -	0	1

LOCH EFORT.

Loch Efort.

Order for the construction, maintenance, and regulation of a Pier in Loch Efort in the Island and Parish of North Uist, in the County of Inverness.

Undertakers.

1. Sir John William Powlett Campbell Orde, of Kilmory, Baronet, his heirs or assigns, shall be the Undertakers for carrying this Order into effect, and shall have and may exercise the powers, privileges, and authorities conferred by this Order.

Limits of Order.

2. The limits within which the Undertakers shall have authority, which shall be deemed the limits to which this Order and the power to levy rates extend (in this Order called the limits of this Order), shall comprise the pier and works authorised by this Order and the area below high-water mark lying within a distance of one hundred yards from any part of the pier or works.

Powers to make works.

3. Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plans and sections as the Board of Trade may require from time to time before the completion of the works in order to prevent injury to navigation, the Undertakers may on the lands belonging to them or which may be acquired by them for the purposes of this Order, and in the lines and situation, and according to the levels, and within the limits of deviation shown on the deposited plans and sections, and herein-after prescribed, make and maintain the pier and works authorised by this Order.

Description of works.

4. The works authorised by this Order include—

A pier commencing at a point at or near high-water mark on the south shore of Loch Efort one hundred and sixty yards or thereabouts measured in an easterly direction from the Loch Efort School House and terminating in

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Loch Efort at a point sixty yards or thereabouts measured in a northerly direction from the said point of commencement:

which pier will be situate in the parish of North Uist, in the county of Inverness, and on the foreshore or in the bed of the sea adjacent thereto.

The pier will be solid throughout.

Power to deviate.

5. Subject to the provisions of this Order, the Undertakers may deviate laterally from the lines of the works authorised by this Order to the extent marked on the deposited plans, and may deviate vertically from the levels defined on the deposited sections to any extent not exceeding five feet.

Improvement and maintenance of harbour and works.

6. Subject to the provisions of this Order, the Undertakers may lay down and construct rails, tramways, turntables, and sidings on or along the pier, and may dredge, scour, deepen, widen, enlarge, alter, improve, and maintain the channels within Loch Efort, and may lay down, place, and maintain buoys and moorings in Loch Efort, and also lights, beacons, landing places, and other conveniences in connexion with the pier. Provided that no line of tramway constructed under the powers of this Order shall be used for the public conveyance of passengers unless and until the same shall have been inspected and certified by the Board of Trade to be fit for such traffic.

Power to construct warehouses.

7. The Undertakers may also construct and maintain all warehouses, offices, sheds, weighing machines, cranes, and other works, buildings, and conveniences which may be found necessary in connexion with the pier for the accommodation of vessels and traffic landed at or embarked from the same.

Consent of Board of Trade to certain works.

8. Any works authorised by this Order below high-water mark shall not be commenced without the consent in writing of the Board of Trade having been first obtained, and shall be executed only in manner approved by the Board of Trade.

Penalty for obstructing works.

9. Every person who wilfully obstructs any person acting under the authority of the Undertakers in setting out the lines of the works authorised by this Order, or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of the said works, or any part thereof, or who defaces or destroys the said works or any part thereof, shall for every such offence be liable to a penalty not exceeding five pounds.

As to material dredged.

10. All sand, mud, and materials dredged up or removed within the limits of this Order shall be the property of the Undertakers, who may from time to time sell or otherwise dispose of the same, or remove or deposit the same within those limits. Provided that no sand, mud, or other material shall be laid down or deposited in any place below high-water mark without the consent in writing of the Board of Trade having been first obtained.

Rates.

11. When a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary for the due execution of the works authorised by this Order have been given, the Undertakers may, subject to the provisions of this Order, for the use of the pier and works and conveniences authorised by this Order, demand, recover, and receive, in respect of all vessels, boats, persons, goods, animals, fish, and things mentioned in the schedule to this Order any sums not exceeding the several rates specified in that schedule.

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Rates may be levied though works not completed.

12. When and so soon as it shall be at any time, or from time to time, certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade, and paid by the Undertakers, that the pier and works authorised by this Order are so far completed as to afford increased accommodation for traffic by means of such works, the Undertakers may, notwithstanding the twenty-fifth section of the Harbours, Docks, and Piers Clauses Act, 1847, and although the whole of such pier and works shall not then have been completed, demand, recover, and receive such of the rates, or such proportion of all or any of the rates specified in the schedule hereto as shall, in the opinion of the Board of Trade, be commensurate with the accommodation afforded.

Masters of fishing boats to report take of fish.

13. The master or owner of every vessel or boat liable to rates shall, on arrival, forthwith report the same to the collector of rates, and in the case of every fishing boat shall furnish to the collector a true and accurate statement of his take of fish and the name of every person obtaining delivery thereof, and if he fail to do so he shall be liable to a penalty not exceeding ten pounds.

Pier-master may prevent sailing of vessels.

14. The pier master may prevent the removal or sailing from the pier of any vessel or boat in respect of which any rates or dues shall have been payable until evidence shall have been produced to him of the payment of such rates or dues to the collector, and in the case of a vessel or boat with a take or cargo of fish, until the master or owner of such vessel or boat shall have given in an account of his take or cargo of fish as required by the last preceding section.

Power to vary exemptions from and compound for rates.

15. The Undertakers may from time to time confer, vary, or extinguish exemptions from, and compound with any person or persons with respect to, the payment of rates authorised by this Order, but so that no preference be in any case given to any person, and that anything done under this section shall not prejudice the other provisions of this Order.

Rates for use of warehouses &c.

16. The Undertakers may demand, levy, and receive such rates or other consideration as they may think reasonable for the use of any warehouses, offices, sheds, buildings, weighing machines, cranes, works, and conveniences belonging to the Undertakers, for the use of which rates are not specifically fixed in the schedule to this Order.

Ballast for vessels.

17. The Undertakers may supply and remove ballast for the accommodation of vessels on payment to the Undertakers of such rates as they shall deem proper not exceeding the rate specified in the schedule to this Order.

Board of Trade may reduce rates.

18. If at any time and from time to time the clear annual income derived from the pier and works authorised by this Order on the average of the then three last preceding years, after payment of all expenses and outgoings other than payments for interest or principal in respect of money borrowed, shall exceed interest at the rate of ten per centum per annum on the entire sum from time to time appearing to the Board of Trade to have been expended by the Undertakers in executing the works by this Order authorised, the Board of Trade may, if in their discretion they think fit, reduce the rates leviable under this Order, or any of them, to such amounts as will be sufficient to provide the aforesaid interest at the rate of ten per centum per annum, with power to the Board of Trade at any time, and from time to time, to raise such rates again to any amounts not exceeding those specified in the schedule to this Order.

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Annual account to be sent to Board of Trade.

19. The Undertakers within one month after sending to the sheriff's clerk a copy of their annual account in abstract (which account shall be made up at the end of the day on the twenty-fifth day of March in each year) shall send a copy of the same to the Board of Trade, and section sixteen of the General Pier and Harbour Act, 1861, Amendment Act, shall apply to and include any and every such account. If the Undertakers refuse or neglect to comply with this provision, they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds.

Certain fishing vessels under stress of weather exempt from rates.

20. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties or port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the pier, or the works belonging thereto, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Exemption of certain officers from rates.

21. The Secretary for Scotland or any person or persons deputed by him, and officers of the Board of Trade and of the Fishery Board for Scotland, being in the execution of their duty, shall at all times have free ingress, passage and, egress on, into, along, through, up, to and out of the pier and works by land, and with their vessels and otherwise, without payment.

Exemption of lifeboat crews.

22. All persons going to or returning from any lifeboat or using any apparatus for saving life, and being persons either belonging to the crew of the lifeboat, or to the coastguard, or being persons for the time being actually employed in saving life, and also all persons brought ashore from any vessel in distress, shall at all times have free ingress, passage, and egress to or along and from the pier and works without payment.

Apparatus for saving life may be attached to pier.

23. The officers of the coastguard, and all other persons for the time being actually employed in connexion with the lifeboat or the apparatus for saving life, may either permanently or temporarily, and from time to time, without payment, attach or cause to be attached to any part of the pier, spars, and other apparatus for saving life, and may also, either in course of using or exercising the apparatus for saving life, fire rockets over the pier and works.

Power to lease rates.

24. The Undertakers may from time to time, lease the rates authorised by this Order for any period not exceeding seven years from the date of the lease and for such rent and consideration and on such terms and conditions as they think fit, and the lessee shall have and may exercise during the continuance of his lease the same powers of levying and recovering rates and dues as the Undertakers have or might exercise under the Harbours, Docks, and Piers Clauses Act, 1847, and this Order, and shall be subject to all the provisions as to accounts and otherwise to which the Undertakers are made subject under this Order.

Power to borrow.

25. The Undertakers may, from time to time, borrow and re-borrow at interest such money as may be required for the purposes of this Order, not exceeding in the whole the sum of four thousand pounds, on the security of the rates dues, and charges authorised by this Order, and they may accept and take from any bank or banking company credit to such amount as they may deem expedient on a cash account to be opened and kept in the names of the Undertakers according to the usage of bankers in Scotland, but so that the

whole sum owing by the Undertakers on such cash account and for other money borrowed and for the time being unpaid shall not exceed in the whole the sum of four thousand pounds exclusive of interest, and may assign the rates, dues, and charges hereby authorised in security for the repayment of the sum or sums so borrowed, or of the amount of such credit, or of the sums advanced from time to time on such cash account, with interest thereon respectively.

Application of money borrowed.

26. Every part of the money borrowed under this Order shall be applied only for the purposes authorised by this Order to which capital money is properly applicable.

Recovery of arrears of interest or principal.

27. If within thirty days after the interest upon any sum borrowed by the Undertakers has become due or after the period prescribed for the payment of the principal sum has expired, such interest or principal, as the case may be, shall not be paid, the party or parties entitled to such interest or principal respectively may without prejudice to any rights, remedies, or securities otherwise open to or held by him or them, apply for the appointment of a judicial factor as herein-after provided.

Appointment of a judicial factor.

28. Every application for the appointment of a judicial factor under this Order shall be made to the sheriff of the county of Inverness or his substitute, and on any such application the sheriff or his substitute may by order in writing, after hearing the parties appoint some person as judicial factor to receive the whole or a competent part of the rates authorised by this Order, until the arrears of interest or principal, as the case may be, then due, together with all costs including the charges of receiving the said rates be fully paid, and upon such appointment being made all such rates as aforesaid shall be paid to and received by the judicial factor so appointed, and the money so received shall be so much money received by or to the use of the party or parties represented by such judicial factor. And so soon as the full amount of interest or of principal or of principal and interest, as the case may be, in arrear and costs has been so received the power of the judicial factor shall cease, and after payment of such costs, the judicial factor shall distribute among all the parties represented by him if more than one the rates and other moneys which shall have been received by him having regard in such distribution to any rights of priority existing in respect of the interest or principal thus recovered.

Amount to authorise application for a judicial factor.

29. The amount of arrears necessary to authorise the application for a judicial factor shall be not less than one thousand pounds.

Application of moneys.

30. The dues, rates, and charges received under this Order shall be applied for the purposes and in the order following (that is to say) :—

(1.) In paying the costs, charges, and expenses of or connected with the preparation, obtaining, and making of this Order, or otherwise incurred in relation thereto.

(2.) In paying the expenses of the maintenance, repair, management, and regulation of the pier and works authorised by this Order, and the buildings and conveniences connected therewith, including the expense of the purchase, maintenance, and repair of such tugs, dredgers, hydraulic machinery, cranes, engines, warehouses, sheds, buildings, and conveniences as may from time to time be necessary for the purposes of this Order.

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(3.) In paying year by year the interest and any instalments of principal due in respect of money borrowed under this Order.

(4.) The surplus revenue, if any, of the pier, works, and conveniences, after providing for the purposes aforesaid, shall belong to the Undertakers for their own use.

Sections of Harbours Clauses Act excepted.

31. Sections sixteen to nineteen inclusive, of the Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order, but the Undertakers shall at their own expense when required by the Board of Trade, provide to the satisfaction of the Board of Trade, a site near the pier and build on such site a house and other proper accommodation for a lifeboat, rocket apparatus, and other life-saving apparatus, and shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit to provide such accommodation after having been required so to do by the Board of Trade.

Power to Undertakers to purchase or hire dredgers, &c.

32. The Undertakers may for the purposes of the works existing or authorised by this Order, or any of them, from time to time provide, purchase, lease, or hire such steam or other dredgers, engines, tugs, lighters, or other vessels, diving bells, ballast lighters, rubbish lighters, tools, plant, or other materials and machinery, as they think fit, and may from time to time demand and receive such sums for the use of the same as they may think fit, or may sell or dispose of the same, and the money thereby realised shall be applied towards carrying into effect the purposes of this Order or some of them.

Byelaws.

33. The Undertakers may make byelaws for the regulation and control of vessels and boats within the limits of this Order, and for the regulation and control of the fishermen and other persons, and goods, ballast, and traffic on and at the pier and works; but such byelaws shall not come into operation until the same have received the allowance and confirmation of the Board of Trade, which shall be sufficient for all other purposes.

Undertakers to be local authority.

34. Within the limits of this Order the Undertakers shall be a local authority within the meaning of the Merchant Shipping Act, 1854, and Acts amending the same, and shall have all the powers conferred by those Acts on local authorities.

Vessels not to anchor within certain limits.

35. No vessel or boat shall anchor within the limits of this Order without the consent of the Undertakers or their pier-master.

Vessels not to moor alongside piers without consent.

36. No vessel or boat except steamboats or pleasure boats embarking or disembarking passengers and their luggage shall be moored alongside the pier without the consent of the Undertakers or their pier-master.

Meters and weighers.

37. The Undertakers shall have the appointment of meters and weighers within the limits of this Order.

Temporary lights on works.

38. Before commencing the works authorised by this Order the Undertakers shall apply to the Board of Trade for directions as to the lights (if any) to be exhibited, and shall in all respects obey any direction given upon such application, or afterwards from time to time given as to lights by the Board of Trade during the construction of the works, and compliance with the directions so given shall satisfy and be in lieu of every other statutory requirement as to lights during the construction of the works, and the Undertakers shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse or neglect to observe any direction so given.

As to lights after completion of works.

39. After completion or permanent discontinuance or abandonment of the works authorised by this Order, the Undertakers shall, at the outer extremity of the pier or the completed portions thereof, or in such other place or places (if any) as may be required, exhibit for all or any part of the time from sunset to sunrise, and according to the requirements of the traffic and the season of the year, such light or lights (if any) as shall from time to time be directed by the Commissioners of Northern Lighthouses, and shall apply to those Commissioners for directions as to lighting, and the Undertakers shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse or neglect to observe any direction given.

Provision against danger to navigation.

40. In case of injury to or destruction or decay of the pier or works, or any part thereof, the Undertakers shall lay down such buoys, exhibit such lights, or take such other means for preventing, as far as may be, danger to navigation as shall from time to time be directed by the Commissioners of Northern Lighthouses, and shall apply to those Commissioners for directions as to the means to be taken, and the Undertakers shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse or neglect to observe any such direction.

Powers to cease in certain events.

41.—(1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order should not be substantially commenced the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease, unless the time for commencement be extended by the special direction of the Board of Trade.

(2.) If the works authorised by this Order after having been substantially commenced should be virtually suspended for twelve consecutive calendar months the powers by this Order given for executing such works, or otherwise in relation thereto shall cease, except as to so much of such works as shall be then completed, unless such powers shall, by the special direction of the Board of Trade be continued and directed to remain in force for any period not exceeding five years from the date of the Act confirming this Order.

(3.) In either of the above cases a certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that that they have been virtually suspended for twelve consecutive calendar months, shall, for the purposes of this Order, be conclusive evidence of the facts stated in such certificate.

Saving rights under Crown Lands Act, 1866.

42. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by the Crown Lands Act, 1866, nor shall any works under this Order be commenced within the limits affected by any such rights, interests, powers, authorities, or privileges without the assent of the Board of Trade having been first obtained.

Saving rights of Crown under Crown Lands Act.

43. Nothing contained in this Order, or to be done under the authority thereof, shall in any manner affect the title to any of the subjects, or any rights or authorities mentioned in or reserved by sections twenty-one and twenty-two of the Crown Lands Act, 1866, and belonging to or exerciseable on behalf of Her Majesty, her heirs, or successors.

Costs of Order.

44. All costs, charges, and expenses of or incident to the preparation and obtaining of this Order, or otherwise incurred in relation thereto, shall be paid by the Undertakers.

Short title.

45. This Order may be cited as the Loch Efort Pier Order, 1894.

SCHEDULE to which the foregoing Order refers.

I.—Rates on Vessels (other than Fishing Vessels) anchoring or mooring within the Limits of this Order.

	£	s.	d.
For every vessel—			
If under fifty tons, per register ton - - - -	0	0	4
If of fifty tons and under one hundred tons, per register ton -	0	0	6
If of one hundred tons and upwards, per register ton - -	0	0	7
Steam vessels same rates as sailing vessels.			
But if the vessels of the owner or owners of any steam or other vessels engaged in a regular trade with the bay of Loch Efort shall collectively make in any one year fifty or more voyages to or from the pier, one half of the above rates shall be leviable on each of such vessels in respect of such year.			

II.—Rates on Fishing Vessels anchoring or mooring within the Limits of this Order.

	£	s.	d.
For every boat engaged in the herring fishery for the period of the fishing season payable in advance - - - -	1	5	0
Or per month in advance - - - - - -	0	5	0
But the first payment to be for not less than two months.			
For every such boat not compounding as above loading or unloading herrings at the pier, each time - - - - -	0	2	6
For each fishing boat engaged in fishing, other than a herring boat, for the season commencing 1st October and payable annually in advance if 20 feet in keel or upwards - - - -	1	5	0
Or per month - - - - - -	0	5	0
If less than 20 feet in keel - - - - -	0	10	0
Or per month - - - - - -	0	1	0
For every such boat not compounding as above, each time - -	0	3	0

III.—Rates on Goods Shipped, Transhipped, Unshipped, or Landed within the Limits of this Order.

	£	s.	d.
Ale, beer, and porter, per 54 gallons	0	0	6
Ale, bottled, in quart bottles, per dozen	0	0	2
„ in pint bottles, per dozen	0	0	1
Anchors, per cwt.	0	0	9
Anchor stock, per foot run	0	0	2
Bark, per ton	0	2	0
Bedding, per cwt.	0	0	3
Biscuit or bread, per cwt.	0	0	3
Blubber, per 252 gallons	0	3	0
Bones and bone dust, per ton	0	1	6
Bottles, per gross	0	0	9
Bricks, per 1,000	0	1	6
Butter and lard for smearing or other smearing grease, per cwt.	0	0	3
Butter, eating, per cwt., salt or fresh	0	0	3
Cables, iron or hempen, per ton	0	3	0
Canvas, per 56 lbs.	0	0	1
Carriages :			
Chaises and other four-wheeled carriages, each	0	5	0
Gigs and other two-wheeled carriages, each	0	3	6
Carts, each	0	2	0
Hand carts and perambulators, each	0	0	6
Casks (empty) of 84 gallons capacity, not being returned packages	0	0	6
Other casks in proportion.			
Cattle :			
Bulls, cows, and oxen, each	0	0	6
Horses, each	0	3	0
Sheep, per score	0	2	6
For any smaller number than a score, each sheep	0	0	2
Pigs, each	0	0	6
Chalk, per ton	0	1	0
Cheese, per cwt.	0	0	2
Chimney-pots, each	0	0	3
Cinders and charcoal, per ton	0	0	6
Clay, per ton	0	1	0
Cloth, haberdashery, &c., per package not exceeding 1 cwt.	0	0	6
Coals, per ton	0	1	0
Copper, per ton	0	3	0
Cordage, per cwt.	0	0	3
Cork, per cwt.	0	0	6
Crystal, per cwt.	0	0	6
Clams, per 37½ gallons	0	1	0
Crabs, per dozen	0	0	2
Dogs, when not the property of those in charge of cattle or sheep being shipped or unshipped, each	0	0	2
Drugs (in casks, hampers, or boxes), per cubic foot	0	0	2

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	£	*s.*	*d.*
Earthenware (in casks, hampers, or boxes), per cubic foot	0	0	2
Earthenware (in crates), per cubic foot	0	0	1
Eggs, per cwt.	0	0	2
Fish (dried or salted), per cwt.	0	0	3
Fish (fresh) :			
Boxes containing not more than two cwt. each	0	0	4
Boxes containing not more than one cwt.	0	0	2
Cod, ling, skate, turbot, and halibut, per score	0	1	0
Salmon, grilse, sea-trout, or bull-trout, each	0	0	1
Salmon, grilse, sea-trout, or bull-trout, per cwt.	0	1	0
Flax, per ton	0	3	4
Flour and meal, per cwt.	0	0	2
Fruit of all kinds, per cwt.	0	0	6
Furniture (household), per 5 cubic feet	0	0	4
Game of all kinds, per score	0	3	0
Glass, per cwt.	0	0	3
Grains, including barley, beans, Indian corn, malt, oats, pease, rye, and seeds of all kinds, per quarter	0	0	3
Groceries (not enumerated), per cwt.	0	0	6
Guano, per ton	0	0	6
Gunpowder, per 100 lbs.	0	0	6
Haddocks (smoked), per cwt.	0	0	4
Hams, bacon, or tongues, per cwt.	0	0	4
Hardware, per ton	0	2	6
Hay, per ton	0	1	6
Hemp, per ton	0	3	0
Herrings, fresh, per 37½ gallons	0	0	4
Herrings (cured), per 26⅔ gallons	0	0	2
Herrings (red bloaters and kippers), per 26⅔ gallons	0	0	2
Hides :			
Ox, cow, or horse (wet or dry), each	0	0	2
Hoops of wood all of the size of 84 gallon cask hoops and under, per 1,200	0	0	9
All above, per 1,200	0	1	0
Iron hoops, per cwt.	0	0	2
Iron :			
Bar, bolt, rod, and sheet, per ton	0	1	6
Pig and old, per ton	0	1	0
Manufactured, per ton	0	2	6
Pots, each	0	0	1
Grates, stoves, and other ironmongery, per cwt.	0	0	2
Kelp, per ton	0	1	0
Lead, per ton	0	2	6
Leather, tanned and dressed, per cwt.	0	0	6
Lime, per 28 bushels	0	1	4
Limestone, per ton	0	1	0
Lobsters, per dozen	0	0	2
Machinery, per ton	0	2	6

		£	s.	d.
	Manure (not enumerated), per ton	0	0	6
	Masts and spars 10 inches in diameter and upwards, each	0	2	6
	Meat, fresh, per cwt.	0	0	6
5	Meat, salted or otherwise preserved, per cwt.	0	0	9
	Milk, per gallon	0	0	0½
	Musical instruments, per cubic foot	0	0	1
	Nets, per 5 cubic feet	0	0	4
	Oakum, per cwt.	0	0	2
10	Oils, per ton	0	2	0
	Oilcake, per ton	0	1	0
	Ores, per ton	0	1	0
	Oysters, per hundred	0	0	3
	Paint, per cwt.	0	0	4
15	Peats, per ton	0	0	1
	Pitch, per cwt.	0	0	4
	Potatoes, per cwt.	0	0	1
	Poultry, per dozen	0	0	6
	Any smaller number than a dozen, each	0	0	1
20	Rags and old rope, per ton	0	2	0
	Rabbits, per dozen	0	0	4
	Sails, per cwt.	0	0	6
	Salt, per cwt.	0	0	1
	Sand, per ton	0	1	0
25	Shell fish, other than those herein particularly specified, per cwt.	0	0	2
	Shrimp baskets, each	0	0	2
	Skins :			
	Calf, goat, sheep, lamb, or dog, per dozen	0	0	6
	Slates, per ton	0	2	0
30	Snuff, per cwt.	0	0	6
	Spirits, per 56 gallons	0	2	6
	Spirits, per gallon	0	0	1
	Sprats or garvies, per 37½ gallons	0	0	4
	Stones, per ton	0	1	6
35	Steel, per ton	0	3	0
	Sugar, per cwt.	0	0	3
	Tallow, soap, and candles, per cwt.	0	0	3
	Tar, per 25 gallons	0	0	2
	Tea, per 80 lbs.	0	1	0
40	Tiles, per 1,000	0	1	6
	Tin and zinc, per ton	0	3	0
	Tobacco, per cwt.	0	0	6
	Turnips, per ton	0	0	6
	Turpentine and varnish, per cwt.	0	0	3
45	Turtles, each	0	2	6
	Vegetables (not enumerated), per cwt.	0	0	1
	Vinegar, per 52½ gallons	0	0	6
	Vitriol, per 3½ gallons	0	0	4
	Wine, per 43 gallons	0	1	0

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Loch Efort.

	£	*s.*	*d.*
Wine, bottled, per dozen quarts	0	0	2
„ per dozen pints	0	0	1
Wood :			
Fir, pine, and other descriptions not enumerated, per load of 50 cubic feet	0	1	6
Oak or wainscot, per load of 50 cubic feet	0	2	0
Firewood, per 216 cubic feet	0	1	6
Laths and lathwood, per 216 cubic feet	0	2	6
Handspikes, per 120	0	3	0
Oars, per 120	0	5	0
Spars under 22 feet in length, above 2½ and under 4 inches in diameter, per 120	0	5	0
Spars 2½ inches in diameter and under, per 120	0	4	0
Spars 22 feet in length and upwards, and not exceeding 4 inches in diameter, per 120	0	9	0
Spars above 4 and under 6 inches in diameter, per 120	0	14	0
Spokes of wheels not exceeding 2 feet in length, per 120	0	2	0
Spokes exceeding 2 feet in length, per 120	0	3	0
Trenails, per 1,000	0	2	6
Wedges, per 1,000	0	2	6
Pipe staves and others in proportion, per 120	0	2	6
Herring-barrel staves, per 1,000 superficial feet	0	1	2
Lignum vitæ, fustic, logwood, mahogany, and rosewood, per ton	0	2	0
Wool, per cwt.	0	0	4
Yarn :			
Lint, per cwt.	0	0	2
Cotton, per cwt.	0	0	2
Tow, per cwt.	0	0	1½
Hemp, per cwt.	0	0	1½
Worsted, per cwt.	0	0	4
All other goods not particularly enumerated above :			
Light goods, per cubic foot	0	0	1
Heavy goods, per ton	0	2	0
In charging the rates on goods, the gross weight or measurement of all goods to be taken, and for any less weights, measures, and quantities than those above specified, a proportion of the respective rates shall be charged.			
In weighing and measuring packages to be included.			
Animals (live) other than those particularly enumerated, each	0	1	0

IV.—Rates for Use of Cranes, Weighing Machines, and Sheds.

1. *Rates of Craneage.*

	£	s.	d.
All goods or packages not exceeding one ton	0	0	4
Exceeding one ton and not exceeding two tons	0	0	6
Exceeding two tons and not exceeding three tons	0	0	8
Exceeding three tons and not exceeding four tons	0	0	10
Exceeding four tons and not exceeding five tons	0	1	0
Exceeding five tons and not exceeding six tons	0	1	2
Exceeding six tons and not exceeding seven tons	0	1	4
Exceeding seven tons and not exceeding eight tons	0	1	6
Exceeding eight tons and not exceeding nine tons	0	1	10
Exceeding nine tons and not exceeding ten tons	0	2	4
Exceeding ten tons	0	3	6

2. *Weighing Machines.*

For goods weighed, for each ton or part of a ton	0	0	2

3. *Shed Dues.*

For each ton or 40 cubic feet of goods which remains in the sheds or on the pier or other works for a longer time than forty-eight hours, the sum of 3*d.*, and the sum of 1½*d.* per ton for each day during which such goods shall remain after first forty-eight hours.

For any portmanteau, trunk, parcel, or other article of passengers' luggage, for each day or part of a day after first twenty-four hours per package	0	0	2

V.—Rates for Supplying Water and Ballast.

Water, per 100 gallons supplied on board	0	1	0
Ballast supplied to vessels or discharged from vessels, per ton	0	1	6

VI.—Rates on Passengers and Passengers' Luggage.

For every person landing from or embarking in any vessel	0	0	2
For all luggage not exceeding 56 lbs. in weight	0	0	2
For all luggage exceeding 56 lbs. in weight, per cwt.	0	0	4

Merchandise carried by passengers not to be considered luggage, but to be charged same rates as goods.

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POOLE.

Poole.

Order for the Construction of Works for the Improvement of Poole Harbour, and for conferring further Powers upon the Mayor, Aldermen, and Burgesses of the Borough of Poole in relation thereto.

Short title.

1. This Order may be cited as the Poole Harbour Order, 1894; and the Act passed in the twenty-ninth year of the reign of His Majesty King George the Second, intituled "An Act for the better ascertaining, recovering, and collecting "certain duties payable upon the importation and exportation of goods and "merchandizes into or out of the harbour of the town and county of Poole; and "also of ballast and boomage duties, payable in respect of ships and vessels "coming into and going out of the said harbour; and for the enlarging, better "repairing, and keeping in repair, the said harbour and the quays and wharfs; "and for providing a proper place for keeping gunpowder in or near the said "town; and for establishing and regulating the nightly watch, and enlightening "the streets in the said town" (in this Order called the Act of 1756), the Poole Harbour Order, 1891 (in this Order called the Order of 1891), and this Order, as such Act or Order is amended or altered by any subsequent Act or Order, shall be read and construed as one Act or Order.

Undertakers.

2. The mayor, aldermen, and burgesses of the borough of Poole acting by the council of the said borough as Trustees of the quays and harbour of Poole shall be the Undertakers for carrying this Order into execution, and are in this Order referred to as the Trustees.

Incorporation of Lands Clauses Acts.

3. The Lands Clauses Acts, except so much thereof as relates to the purchase and taking of lands otherwise than by agreement, and to the entry on lands by the promoters of the undertaking, shall be incorporated with this Order.

Power to take lands by agreement.

4. For the purposes of the works authorised by this Order, the Trustees may from time to time by agreement acquire, purchase, enter on, take, and use, and may retain for the purpose of protecting the harbour entrance, all or any part of the lands called or known as the Sandbanks in the tything of Parkstone, near the entrance to Poole Harbour, and the lands and foreshore shown on the plans deposited with reference to this Order, and may acquire by agreement any easement over or interest in or right of using such lands, or any of them, as they may think requisite for the purposes of this Order.

Power to grant easements to Trustees.

5. Any person, or persons, company, corporation, or local authority, empowered by the Lands Clauses Acts to sell and convey or release lands may, if they think fit, subject to the provisions of those Acts, grant to the Trustees any easement, right, or privilege (not being an easement, right, or privilege of water in which other than parties to the agreement have an interest) required for the purposes of this Order in, over, or affecting any such lands; and the provisions of the said Acts, with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

Limits.

6. The limits within which the Trustees and their officers and servants shall have authority shall for all purposes extend to and comprise the works by this Order authorised, and the lands under this Order acquired, in addition to the

existing harbour and the works authorised by the Act of 1756 and the Order of 1891. A.D. 1894. —— *Poole.*

Power to make works.

7. Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plan and section as the Board of Trade may require from time to time before the completion of the works in order to prevent injury to navigation, the Trustees may on the lands and in the lines and situation, and according to the levels shown on the plan and section deposited with reference to this Order (which plan and section are in this Order referred to respectively as the deposited plan and deposited section) and within the limits of deviation shown on the deposited plan, make and maintain the works authorised by this Order.

Description of works.

8. The works authorised by this Order include :—

Groynes, or other protective works, situate upon or near the foreshore, and land adjoining the foreshore near the south-east side of the entrance to Poole Harbour, and called the Sandbanks, commencing at a point distant 100 yards or thereabouts in an easterly direction from Poole Head Road, and extending in a westerly direction for a distance of 2,000 yards or thereabouts to a point 300 yards or thereabouts east of the Haven Hotel, and situate along the said foreshore or lands at intervals, each of the said groynes extending seawards from the said foreshore at varying angles with the said shore, which said works or groynes will be situate in the tything of Parkstone, in the county of Dorset, or on the bed of the sea adjacent thereto.

Provided always that no permanent works are to be commenced until the Undertakers have demonstrated by experiment that the works authorised by this Order are calculated to produce, and will probably produce the desired result, namely, the permanent preservation of the Sandbanks and the protection thereby of Poole Harbour.

Power to make subsidiary works.

9. The Trustees may construct and maintain for temporary or permanent use all necessary approaches, roads, jetties, buoys, lights and other subsidiary works and conveniences in connexion with the works authorised by this Order.

Powers of deviation.

10. The Trustees in constructing the works authorised by this Order may, with the consent in writing of the Board of Trade, deviate laterally from the lines of such works delineated on the deposited plan to any extent not exceeding the limits of deviation marked on that plan, and vertically to any extent.

Consent of Board of Trade to works.

11. Any works, whether permanent or experimental, below high-water mark shall not be commenced without the consent in writing of the Board of Trade having been first obtained, and shall be executed only in the manner approved by that Board.

Power to cross and interfere with foreshores, roads, &c.

12. The Trustees may, where the construction of the works authorised by this Order renders it necessary, cross, stop up, alter or divert, temporarily or permanently, or otherwise interfere with foreshores, roads, passages, watercourses, sewers or other works, but making compensation for any damage which may be done in the execution of the powers hereby conferred.

Power to dredge, &c. in vicinity of works.

13. It shall be lawful for the Trustees at any time to dredge, scour, cleanse, deepen, and remove any rocks, banks, sand, mud, or shingle within or adjoining the works authorised by this Order or the approaches thereto.

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Temporary lights on works.

14. Before commencing the works authorised by this Order, the Trustees shall apply to the Board of Trade for directions as to the lights to be exhibited, and shall in all respects obey any direction given upon such application, or afterwards from time to time given, as to lights by the Board of Trade during the construction of the works; and compliance with the directions so given shall satisfy and be in lieu of every other statutory requirement as to lights during the construction of the works, and the Trustees shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse or neglect to observe any direction of the Board of Trade as to lights during the construction of the works.

Penalty for obstructing works.

15. Every person who wilfully obstructs any person acting under the authority of the Trustees in setting out the lines of works authorised by this Order, or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of the works, or defaces or destroys the works or any part thereof, shall for every such offence be liable to a penalty not exceeding five pounds.

Works to be deemed within the borough of Poole.

16. The works authorised by this Order shall, in respect of all matters, crimes, or offences arising or committed thereon or within the limits of this Order requiring the cognizance of any justice of the peace, and for all matters of civil and criminal jurisdiction, be deemed and taken to be within, and as forming part of, the borough of Poole in the county of Dorset, and within the jurisdiction of any justice acting within and for the said borough.

Railways Clauses Consolidation Act, 1845, as to damages and penalties incorporated.

17. The clauses of the Railways Clauses Consolidation Act, 1845, with respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to justices, shall be incorporated with this Order and shall apply to the works authorised by this Order, and to the Trustees respectively, and shall be construed as if this Order constituted a special Act within the meaning of those clauses, and as if the word "Trustees" had been inserted therein instead of the word "Company."

Power to borrow

18. In addition to the moneys which the Trustees are authorised to borrow under the Act of 1756 and the Order of 1891, they may, on the security of the rates authorised by the said Act and Order, from time to time borrow such amount as they may require for the purposes of this Order not exceeding in the whole five thousand pounds: Provided that no part of the said sum of five thousand pounds shall be borrowed until plans of the permanent works authorised by this Order have been submitted to and sanctioned by the Board of Trade, and that the Trustees shall not apply any portion of the moneys authorised to be borrowed under the powers conferred by this Order, in or towards any expenses to be incurred by them in conducting the experimental works authorised by this Order preparatory to constructing the permanent works: Provided also that no person or persons advancing or lending, or proposing to advance or lend money to the Trustees borrowed by them under the powers herein contained, shall be concerned to see to the application thereof, or be accountable for any loss or misapplication thereof.

Repayment of borrowed money.

19. The Trustees shall pay off all moneys borrowed by them under this Order within thirty years from the time or respective times of borrowing the same by

any one or more of the methods mentioned in the Local Loans Act, 1875, and sections thirteen, fourteen, and fifteen of that Act are hereby incorporated with this Order, and shall apply accordingly: Provided that the Trustees shall not invest any sinking fund or sinking funds created under this Order in their own securities.

Reborrowing.

20. Any moneys borrowed by the Trustees under this Order and repaid otherwise than in manner provided by this Order may be from time to time reborrowed by the Trustees, but so that the same shall be repaid within the period limited by this Order, and for the purposes of repayment and of sections fourteen and fifteen of the Local Loans Act, 1875, the moneys borrowed and the moneys originally borrowed shall be deemed to form the same loan.

Annual return to Board of Trade as to sinking fund.

21. The clerk to the Trustees shall within forty-two days after the expiration of each year during which any sum is required to be set apart for a sinking fund, or any instalment is required to be paid under this Order, transmit to the Board of Trade a return, in such form as may be prescribed by that Board and verified by statutory declaration, if so required by them, showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return, and the description of the securities upon which the same has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period, and the total amount remaining invested at the end of the year; and in the event of any wilful default in making such return the clerk shall be liable to a penalty not exceeding twenty pounds, which shall be paid to and be recoverable by that Board in the same manner as penalties recoverable in a summary manner under the Public Health Act, 1875, may be recovered by parties aggrieved within the meaning of that Act.

If it appears to the Board of Trade by such return or otherwise that the Trustees have failed to pay any instalment, or to set apart the sum required by this Order for the sinking fund, or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Order, that Board may, by Order, direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund, and such Order shall be enforceable by writ of mandamus, to be obtained by that Board out of the High Court of Justice, and the provisions of this section shall apply, mutatis mutandis, to appropriations and annual repayments.

Application of money borrowed.

22. All moneys borrowed under this Order shall be applied only for the purposes and in the manner following, and not otherwise (that is to say):—

In payment of the cost of the construction of the permanent works and conveniences, and the acquisition of land or rights in or over land by this Order authorised to be constructed or acquired, and for the other purposes of this Order to which capital money is properly applicable under this Order, not including experimental works.

Application of harbour rates to maintenance, &c. of works.

23. The Trustees may at any time, in addition to the purposes to which moneys received by them from the rates authorised by the Act of 1756, and by the Order of 1891, are by that Act or Order made applicable, apply such moneys in paying the expenses of the maintenance, repair, alteration, extension, and

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Poole.

management of the works authorised by this Order, and the lands and property connected therewith, and in paying year by year the interest of any moneys borrowed for the purposes of this Order, and in providing sums for the repayment of such borrowed moneys by annual appropriations or instalments (if either of such modes of repayment shall be adopted), or in the creation of a sinking fund in manner provided by this Order, and in the construction and maintenance of such further works outside the harbour in connexion with the works authorised by this Order as may be approved by the Board of Trade.

Power to sell parts of the Sandbanks.

24. The Trustees may sell any portion of the said land known as the Sandbanks which may not be required for the purposes of the works authorised by this Order or other harbour works or improvements.

Application of proceeds of sale of land.

25. The Trustees shall, in addition to all other money required to be applied in repayment of money borrowed, apply all moneys arising from the sale of any portion of the Sandbanks, or of any surplus lands acquired under the provisions of this Order, in or towards repayment of moneys borrowed under this Order, and for the time being remaining unpaid; and money so repaid shall not be reborrowed. If nothing is due in respect of money borrowed, then such moneys arising from sale may be applied in or towards the maintenance or extension of permanent works authorised by this Order.

Rates under Act of 1756 not to be applied for purposes of this Order.

26. Notwithstanding anything herein-before in this Order contained, this Order, or anything therein contained, shall not enable the Trustees under any power conferred by the Act of 1756, of levying rates upon owners or occupiers of any messuages, houses, shops, warehouses, malthouses, granaries, buildings, or yards for defraying the charges and expenses of lighting or watching or providing a proper magazine for the keeping of gunpowder as provided by that Act, to levy any such rate upon such owners or occupiers for the purposes of this Order, or for payment of expenses in connexion therewith, or to borrow any money upon the securities of any such rate.

Power to cease in certain events.

27.—(1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order should not be substantially commenced, the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease, unless the time for commencement be extended by the special direction of the Board of Trade.

(2.) If the works authorised by this Order, after having been substantially commenced, should be virtually suspended for twelve consecutive calendar months, the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease, except as to so much of such works as shall be then completed, unless such powers shall, by the special direction of the Board of Trade, be continued and directed to remain in force for any period not exceeding five years from the date of the Act confirming this Order.

(3.) In either of the above cases a certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall, for the purposes of this Order, be conclusive evidence of the facts stated in such certificate.

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Poole.

28. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by the Crown Lands Act, 1866, nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges without the assent of the Board of Trade having been first obtained.

Saving rights under Crown Lands Act, 1866.

29. This Order shall not be taken as a consent to the surrender of, nor shall anything in this Order prejudice or affect, any property, interests, rights, powers, authorities, or privileges of Her Majesty in right of Her Crown which are under the management of the Commissioners of Woods, or either of them.

Saving rights of the Crown.

30. All the costs, charges, and expenses of or incidental to the obtaining of this Order, or otherwise incurred in relation thereto, shall be paid by the Trustees out of the moneys received by them from the rates authorised by the Act of 1756 or the Order of 1891.

Costs of Order.

Pier and Harbour Provisional Orders (No. 3)

A

B I L L

To confirm certain Provisional Orders mad by the Board of Trade under the Genera Pier and Harbour Act, 1861, relating t Avoch, Burnmouth, Loch Efort, and Poole

(*Prepared and brought in by Mr. Burt and Sir John Hibbert.*)

Ordered, by The House of Commons, *to be Printed,* 24 *May* 1894.

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[Bill 244.]

A

BILL

TO

Confirm a Provisional Order made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Montrose. A.D. 1894.

WHEREAS a Provisional Order made by the Board of Trade under the General Pier and Harbour Act, 1861, is not of any validity or force whatever until the confirmation thereof by Act of Parliament: 24 & 25 Vict. c. 45.

And whereas it is expedient that the Provisional Order made by the Board of Trade under the said Act, and set out in the schedule to this Act, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The Order set out in the schedule to this Act shall be and the same is hereby confirmed, and all the provisions thereof in manner and form as they are set out in the said schedule shall, from and after the *passing of this Act*, have full validity and force. Confirmation of Order in schedule.

2. This Act may be cited as the Pier and Harbour Order Confirmation (No. 4) Act, 1894. Short title.

A.D. 1894.

Montrose.

SCHEDULE.

MONTROSE.

Order for amending the Montrose Harbour Acts and Order, 1837–1878; and for conferring further Powers on the Trustees of that Harbour.

Short title.

1. This Order may be cited as the Montrose Harbour Order, 1894, and shall be construed with the Montrose Harbour Acts and Order, 1837–1878, and this Order and the said Montrose Harbour Acts and Order, 1837–1878, as amended and varied by this Order, shall be read and construed together as one Act or Order, and may be cited collectively as the Montrose Harbour Acts and Orders, 1837 to 1894.

Order to be read with Harbour Acts and Order, 1837–1878.

Undertakers.

2. The Trustees for the time being acting in the execution of the Montrose Harbour Acts and Orders, 1837 to 1894 (herein-after called "the Trustees"), shall be the undertakers for carrying this Order into execution.

Repeal of certain portions of the Montrose Harbour Acts and Order, 1837–1878.

3. On and after the first day of September, one thousand eight hundred and ninety-four, sections forty-one and forty-six of the Montrose Harbour Act, 1850, and sections fifteen to eighteen of the Montrose Harbour Order, 1878, shall be and the same are hereby repealed.

Repeal of existing rates and commencement of new rates.

4. On and after the first day of September, one thousand eight hundred and ninety-four, the Schedules of Rates (A.) and (B.) annexed to and authorised by the Montrose Harbour Order, 1878, shall be and the same are hereby repealed, and in lieu thereof the several rates specified in the Schedules (A.) and (B.) annexed to and authorised by this Order shall, subject to the power of increasing or reducing such last-mentioned rates, or any of them, herein-after conferred, be levied and received by the Trustees.

Rates on vessels and on fish.

5. On and after the first day of September, one thousand eight hundred and ninety-four, and subject to the provisions of this Order and of Schedule (A.) to this Order annexed, the Trustees may levy, demand, recover, and receive in respect of all vessels and boats entering or departing from or using the harbour, and on fish landed or loaded at the works of the Trustees, the rates specified in the said Schedule (A.), and all such rates shall be paid by the owner, agent, master, consignee, or other person in charge of such vessels or boats.

Rates on goods, &c.

6. On and after the first day of September, one thousand eight hundred and ninety-four, and subject to the provisions of this Order and of Schedule (B.) to this Order annexed, the Trustees may levy, demand, recover, and receive in respect of the goods, animals, and things shipped, unshipped, or transhipped in the harbour, the rates specified in the said Schedule (B.), and all such rates shall (subject to the additional provisions herein-after contained in this Order) be paid

by the owner, consignee, or other person in charge of such goods, animals, or things.

Rates on goods, &c. not enumerated.

7. All goods, animals, and things, other than fish, shipped, unshipped, or transhipped in the harbour and not particularly enumerated in the said Schedule (B.) shall be liable to rates equal to the rates specified in the said schedule on such goods as in the judgment of the Trustees may be similar or nearest in description, bulk, or value to such unenumerated goods, animals, or things.

Statements of takes of fish to be delivered.

8. The master or owner of every fishing vessel or fishing boat liable to rates shall, on arrival, forthwith report such arrival to the collector of rates, and shall furnish to the collector a true and accurate statement of his take or cargo of fish and the names and addresses of the person or persons obtaining delivery thereof, all under a penalty not exceeding ten pounds for each transgression of this regulation.

Vessels may be detained till rates paid.

9. The harbour master may prevent the removal or sailing out of the harbour of any fishing vessel or fishing boat in respect of which any rates shall have been payable, until evidence shall have been produced to him of the payment of such rates to the collector, and until the master or owner of such fishing vessel or fishing boat shall have given in to the collector an account of his take or cargo of fish. Any person disobeying the harbour master's orders in carrying out the powers hereby conferred shall be liable in a penalty not exceeding ten pounds for each offence.

Provisions as to collection of rates on white fish and fresh herrings.

10. The Trustees may levy, demand, recover, and receive the rates for white fish and for fresh herrings direct from the sea either from the fish salesmen or auctioneers who dispose of such fish, or from the persons purchasing or receiving delivery of the same from any vessel or boat, who shall respectively be entitled to deduct the amount of such rates from the price at which such fish were sold or purchased, and such fish salesmen, auctioneers, and purchasers or receivers shall, when required, be respectively bound to furnish the Trustees or their collector of rates with a true account under their hands of the quantity of such fish, and to verify the same by the production of their books, accounts, or other documents to the Trustees or to their collector of rates, and every person who shall refuse or fail to give and verify such an account, or who shall give or subscribe a false account, shall be deemed guilty of an offence, for which he shall be liable to a penalty not exceeding ten pounds.

Rates for sheds, &c.

11. The Trustees may levy, demand, and receive such rates or other consideration as they may think reasonable for the use of any sheds, warehouses, storehouses, lofts, or other accommodations and conveniences belonging to the Trustees for the use of which rates are not specially fixed in the schedules to this Order annexed.

Power to vary exemptions from rates.

12. The Trustees may from time to time confer, vary, or extinguish exemptions from payment of the rates authorised by this Order, or any of them, but so that no preference be in any case given to any person, and that anything done under this provision shall not prejudice the other provisions of the Montrose Harbour Acts and Orders, 1837 to 1894.

Rates to be charged equally.

13. The rates by this Order authorised to be levied shall at all times be charged equally to all persons in respect of the same class or description of vessel

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or of voyages, and the same description of goods, and all the said rates shall be payable to the Trustees at their shore dues office at the harbour, or at such other place as they may from time to time fix and appoint.

Power to vary rates.

14. With respect to alterations or variations of the rates by this Order authorised to be levied, the Trustees may from time to time as herein-after mentioned exercise the following powers (that is to say):—

They may increase any or all of the rates specified in the schedules to this Order annexed or in either of said schedules as they may deem reasonable and expedient: Provided that such increase shall not at any time exceed one-fourth part of such rates as specified in said schedules respectively:

They may in like manner reduce or omit to levy any or all of said rates or of such rates as so increased:

They may in like manner again advance or revive and levy any or all of said rates: Provided the said rates when so advanced or revived do not exceed the rates specified in the said schedules respectively with one-fourth part more in addition thereto.

Rates to be fixed and declared annually.

15. In order that the revenue of the harbour may annually be adjusted with reference to what may be annually required for the sinking fund and the several purposes of the Harbour Acts and Orders, 1837 to 1894, the Trustees shall at the stated general meeting, or at some special meeting to be held in the month of August annually, or at some adjournment thereof, fix and declare the increase (if any) to be levied or the reduction (if any) to be made upon any or all of the rates specified in the schedules to this Order annexed, or in either of said schedules, for the year to commence on the first day of October following: Provided that no such rates be in any case increased so as to exceed the rates specified in said schedules respectively with one-fourth part more in addition thereto, and provided also that such rates shall at all times be charged equally to all persons in respect of the same class or description of vessel or of voyages, and the same description of goods, and the said increased or reduced rates shall commence to be levied on the first day of October following any such meeting, and shall continue to be levied and paid from year to year, unless and until otherwise expressly resolved or ordered by the Trustees as after mentioned, or unless and until otherwise fixed and declared by them at the stated general meeting or special meeting to be held in the month of August or at some adjournment thereof as aforesaid, and public notice of any resolution of the Trustees authorising such increase or reduction shall, within ten days after such resolution is adopted or passed, be given once at least in at least one newspaper published in Montrose, and failing such newspaper, then in at least one newspaper published in the county of Forfar. And subject to the said provisions, it shall also be lawful for the Trustees during the currency of any year, and when and so often, and for such periods of time, as it shall appear to them to be for the interest and advantage of the harbour to increase or reduce, or omit levying, and again advance or revive and levy any or all of the said rates: Provided such increase or reduction and such advance or revival be resolved on at a special meeting of the Trustees (duly called for the purpose) by at least two-thirds of the whole body of the Trustees, and be confirmed at another special meeting held not sooner than one month thereafter by at least

two-thirds of the Trustees present at such subsequent meeting: Provided further that public notice shall be given once at least in at least one newspaper published in Montrose, and failing such newspaper, then in at least one newspaper published in the county of Forfar, of every resolution of the Trustees to increase or reduce, or omit to levy, any rate or rates or to again advance or revive the same, and no such increase or reduction or advance or revival shall take effect until the expiration of twenty-one days after the first publication of such notice.

Power to make additional byelaws for regulation of harbour.

16. In addition to the byelaws authorised by the Montrose Harbour Acts and Order, 1837–1878, and by the Harbours, Docks, and Piers Clauses Act, 1847, the Trustees may, from time to time, make such byelaws as they may think fit with respect to the maintenance, use, and management of the harbour and its docks, locks, slips, quays, wharves, jetties, sheds, warehouses, storehouses, lofts, erections, accommodations, cranes, and other property and machinery, and for prohibiting smoking at the harbour, and for regulating the conduct of all persons frequenting the harbour or working or employed within the limits thereof: Provided always that the penalty for the breach of any byelaw regulating any of said matters shall not exceed ten pounds, and the Trustees may, from time to time, as they shall think fit, repeal or alter any such byelaws: Provided further that such byelaws shall not come into operation unless and until the same have received the confirmation in writing of the Board of Trade, which shall be sufficient for all purposes.

Persons offending against byelaws to be liable for damage.

17. Any person offending against any byelaw shall, in addition to the penalty (if any) thereby incurred, be also liable to make good the damage arising directly or indirectly from such offence or breach, not only to the Trustees but also to any other person whose vessel, goods, or property may be so damaged.

Board of Trade officers exempt from rates.

18. Officers of the Board of Trade being in the execution of their duty shall at all times have free ingress and passage and egress to, on, along, through, and out of the harbour and works by land, and with their vessels and otherwise, without payment.

Power to borrow money.

19. Subject in all respects to the provisions contained in section twenty-eight and sections thirty to thirty-five of the Montrose Harbour Order, 1878, which shall extend and apply to the moneys by this Order authorised to be borrowed, the Trustees may, from time to time, borrow, for the purposes of the harbour, on the security of the rates and other revenues and property, other than light dues, payable and belonging to them in virtue of the Harbour Acts and Orders, 1837 to 1894, any sum or sums of money, not exceeding thirty thousand pounds, including the amount of the debt authorised by the Montrose Harbour Acts and Order, 1837–1878, and due by the Trustees at the passing of the Act confirming this Order.

Debts charged on rates.

20. The rates by this Order authorised to be levied shall be liable to and be charged with all the debts, claims, and demands, whatsoever, to which the rates and moneys leviable and payable, under the Montrose Harbour Acts and Order, 1837–1878, or any of them, shall be subject and liable under the provisions thereof at the time of the passing of the Act confirming this Order, and all assignments or other securities granted under the authority of the Montrose Harbour Acts and Order, 1837–1878, or any of them, shall be as

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effectually charged upon the rates by this Order authorised to be levied, as if such rates had been specifically and expressly conveyed and charged by such assignments or other securities.

Application of moneys borrowed.

21. All moneys borrowed by the Trustees under the Montrose Harbour Acts and Orders, 1837 to 1894, shall be applied only for the purposes for which capital money is properly applicable under the said Acts and Orders, and not otherwise.

Saving rights under Crown Lands Act, 1866.

22. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by the Crown Lands Act, 1866, nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges without the consent of the Board of Trade having been first obtained.

Costs of Order.

23. All costs, charges, and expenses of or incident to preparing and obtaining this Order, or otherwise incurred in relation thereto, shall be paid by the Trustees out of the rates authorised to be levied or the money authorised to be borrowed by this Order.

SCHEDULES referred to in the foregoing Order.

SCHEDULE (A.).

TONNAGE RATES ON VESSELS.

I.—*Oversea.*

For all vessels navigating as follows :—

	s.	*d.*
1. From or to the southward of the Tropic of Cancer, per register ton	1	6
2. From or to any port in North America, Greenland, Davis' Straits Fisheries, and all within the Straits of Gibraltar, per register ton	0	8
3. From or to any port in Europe, to the north of Drontheim in Norway, and from or to Iceland, the Faroe Isles, the Azores, Madeira, or Teneriffe Islands, and the West Coast of Africa, between the Tropic of Cancer and the Straits of Gibraltar, per register ton	0	7
4. From or to any port in Europe, between Gibraltar and Drontheim inclusive, and all ports in the Baltic, per register ton	0	5
5. All steam vessels from or to foreign ports, when employed in towing only, per register ton	0	4
6. For all vessels going out of or coming into the port and harbour, or any part thereof, to or from any port or place other than any port or place falling under Nos. 1 to 4, both inclusive, above specified, per register ton	1	6

II.—*Coasting.*

	s.	d.
For all vessels navigating as follows :—		
1. From or to any port in Great Britain or Ireland, including the Islands of Guernsey, Jersey, Alderney, Sark, Man, and the Shetland and Orkney Islands, per register ton	0	3
2. From or to any port, as in No. 1, loaded with coals or lime only, per register ton	0	2
3. Each steam vessel from or to any port, as in No. 1, carrying passengers and their luggage exclusively, or employed in towing, per register ton	0	2
4. Each steam vessel carrying goods and passengers, but landing the passengers and their luggage only, per register ton	0	2
5. Each pleasure boat or yacht of ten tons burden or upwards, on each occasion of entering the harbour, per ton burden	0	1

III.—*For Fishing Vessels, Fishing Boats, Trawlers, and other Boats drawing when loaded six feet of water and upwards, entering the harbour.*

	s.	d.
1. For each such vessel or boat engaged in the herring fishery at Montrose, in any fishing season thereat (the period to be embraced in such season to be defined by the Trustees in each year) as a composition in full of rates for the period of such fishing season, payable in advance	20	0
2. For each such vessel or boat engaged in the herring fishery at Montrose, for which the said composition shall not have been paid in any fishing season, on each occasion of entering the harbour in such season	2	6
3. For each such herring fishing vessel or boat not engaged in the herring fishery at Montrose, loading or discharging herrings, on each occasion of entering the harbour	2	6
4. For each such vessel or boat engaged in the white fishery, or crab or lobster fishing, as a composition in full of rates, per annum, payable in advance,		
If under twenty-two feet in length over all	10	0
If twenty-two feet in length over all, or upwards	20	0
5. For each such vessel or boat engaged in the white fishery, or crab or lobster fishing, for which the said composition shall not have been paid in any year, on each occasion of entering the harbour,		
If under twenty-two feet in length over all	1	3
If twenty-two feet in length over all, or upwards	2	6
6. In case of fishermen owning such larger and also such smaller boat, not both used for fishing at the same time, for both boats, per annum, payable in advance	25	0
7. For each steam vessel engaged in the trawl fishery, as a composition in full of rates, per week, counting from Sunday to Sunday, or for any part of a week, per register ton	0	2

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	s.	d.
8. For each such boat loading or discharging any other article than fish, on each occasion of entering the harbour, the same tonnage dues as for vessels.		
Note.—The rates in this paragraph of the Schedule may also be levied in respect of any of the above vessels or boats drawing when loaded less than six feet of water, if they use any of the quays, jetties, or other works belonging to the Harbour Trustees, but not otherwise.		5

IV.—*Miscellaneous Rates and Regulations.* 10

1. It shall be in the option of the Trustees to charge the tonnage rates either on the voyage inwards, or on the voyage outwards, and if the charge be made on the voyage outwards there shall be deducted from it the amount of the rates that may have been previously paid on the voyage inwards, but vessels leaving the harbour in ballast shall be charged with rates on the inward voyage only. 15

2. All vessels entering the harbour for safety by stress of weather, or windbound, and anchoring, mooring, or lying in or at any of the following places, but not breaking bulk, nor loading, discharging, or landing goods or passengers (stores for such vessels' own use excepted), shall pay the following rates, viz.:— 20

1. If in the wet dock, or at any of the quays or wharves, per register ton - - - - - -	0	2
2. If at the Stell, or elsewhere within the precincts of the harbour, per register ton - - - - -	0	1

3. All vessels remaining in the harbour more than two calendar months shall pay in advance one penny per register ton for every month, or part of a month, beyond such two months. 25

4. All vessels, other than fishing vessels and fishing boats, loading or unloading goods or ballast within the harbour, or performing both operations, before leaving the harbour shall pay for the use of planks as follows:— 30

Vessels amounting to but not exceeding 20 tons register -	1	0
,, exceeding 20 tons and not exceeding 50 tons register	1	6
,, ,, 50 ,, ,, 100 ,, -	2	0
,, ,, 100 ,, ,, 150 ,, -	2	6
,, ,, 150 ,, ,, 200 ,, -	3	0
,, ,, 200 ,, ,, 250 ,, -	3	6
,, ,, 250 ,, ,, 300 ,, -	4	0
,, ,, 300 ,, ,, 350 ,, -	4	6
,, ,, 350 ,, ,, 400 ,, -	5	6
,, ,, 400 tons - - - - -	6	6

5. All vessels leaving the harbour for the purpose of taking on board ballast in any part of the River Southesk, and returning to the said harbour with ballast, shall be exempt from rates for such return. 35 40 45

6. All vessels sailing from the harbour and putting back through stress of weather, or any other cause, without having accomplished their voyage, shall be exempt from rates for such return, and all vessels arriving or leaving in ballast shall pay the rates only on leaving or arriving.

7. All vessels arriving in ballast for the purpose of being repaired and departing in ballast, shall pay one penny per register ton only, provided that when this reduced rate is to be claimed on that account, the owner or master of each such vessel shall be bound on the day of her arrival to give notice in writing to the collector of rates that the vessel is in the harbour solely for the purpose of being repaired; otherwise each such vessel shall pay full rates.

8. All vessels with cargoes arriving for the purpose of being repaired, shall pay one penny per register ton only, provided they neither take goods on board (stores for their own use excepted), nor break bulk, except to permit repairs to be effected, and that they reload all the goods so landed, and also that the owner or master of each such vessel shall give notice in writing to the collector of rates as provided in the immediately preceding regulation; otherwise such vessel shall pay full rates.

9. All vessels from or to any port or place, other than in Great Britain or Ireland, including the islands of Guernsey, Jersey, Alderney, Sark, Man, and the Shetland and Orkney Islands, discharging or loading part cargo only at the harbour, and which, during the same voyage, have discharged or loaded, or are to discharge or load the remainder of the cargo, or any part thereof, at any other port or place in Great Britain or Ireland, including as aforesaid, shall pay only three-fourths of the tonnage rates otherwise exigible, according to the most distant port or place at which the goods so discharged have been taken on board, or at which the goods so loaded are to be discharged.

10. All vessels from or to any port or place in Great Britain or Ireland, including as in the immediately preceding Regulation No. 9 hereof, discharging or loading part cargo only at the harbour, and which, during the same voyage, have discharged or loaded, or are to discharge or load, the remainder of the cargo, or any part thereof, at any other port or place in Great Britain or Ireland, including as aforesaid, shall pay only three-fourths of the tonnage rates otherwise exigible.

11. In all cases where the reduced rate is to be claimed under either of the immediately preceding Regulations Nos. 9 and 10 hereof, the owners or masters of the vessels shall be bound, if and when required, to satisfy the Trustees as to the grounds and bona fides of the claims, otherwise such vessels shall pay full rates.

12. The rates on vessels inwards shall be payable within twelve hours after the arrival of the vessel in the harbour, and on vessels outwards before sailing, and the harbour master is authorised and required to refuse to allow any vessel to leave the harbour until he receives from the collector of rates a permit showing that all rates exigible on the vessel have been paid.

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13. The net register tonnage of steam trawlers and steam tugs shall in no case be deemed, for the purposes of rating, to be less than 18 per cent. of the gross register tonnage.

V.—*Rates on Fish Landed at or Loaded from any of the Quays, Jetties, or other Works belonging to the Harbour Trustees.*

		s.	d.
Salmon	per ton	2	0
Herrings fresh from the sea	per 37½ gallons	0	1½
Do. Red or smoked	per ton	1	0
Do. Salted	per 26⅔ gallons	0	1
Other fish, including shell fish of all kinds, whether fresh or not	per ton	1	0

Herrings imported to be cured and packed, and reported to be so imported, and which have paid rates inward, shall on exportation within four months of the date of importation be exempt from rates.

Only half dues shall be charged on cargoes of herrings brought in small vessels from places in the neighbourhood, such as Arbroath and Gourdon, and landed on the quay, in order to be immediately re-shipped in a larger vessel; provided always that when such cargoes are discharged from the smaller vessels, immediate notice shall be given to the collector of rates that they have been so discharged solely for the purpose of immediate re-shipment.

SCHEDULE (B.)

Rates on Goods.

		s.	d.
Acorns	ton	0	8
Aërated or mineral waters	ton	1	0
Alabaster	ton	1	6
Ale and beer, in casks	ton	1	6
Do. in bottles	ton	1	6
Alkali	ton	0	9
Alum, rock	ton	1	0
Do. cake	ton	1	0
Animalised carbon	ton	1	0
Apples	ton	1	0
Argols	ton	1	0
Ashes—pot, pearl, weed, and wood	ton	1	6
Asphalte and bitumen	ton	0	4
Bacon or hams	ton	1	6
Barilla	ton	1	6
Bark, viz.,—			
Oak	ton	1	0
Quercitron	ton	1	6
Spent	ton	0	1
Barley, pot, shelled, or pearl	ton	1	0

			s.	d.
	Barrels, empty herring	dozen	0	3
	Barytes	ton	0	6
	Basket rods	ton	1	6
5	Baskets, viz.,—			
	Under 12 inches in diameter	dozen	0	1
	Above 12 inches in diameter	dozen	0	2
	Beef or pork	ton	1	6
	Beer, spruce or black	per 3 gals.	0	1
10	Berries, viz. :—Bay, juniper, yellow, and cran	ton	1	6
	Bicycles	each	0	6
	Biscuits	ton	1	0
	Blacking	ton	1	6
	Bladders	ton	1	6
15	Bleaching powder and salts	ton	0	9
	Blood of cattle	ton	0	6
	Blubber	per 252 gals.	1	0
	Boats and cobbles, new, viz. :—			
	12 feet keel and under	each	2	0
20	And for each 2 feet above 12 feet keel		0	6
	Steam launches, 24 feet keel and under	each	6	6
	And for each 2 feet above 24 feet keel		0	6
	Bobbins of wood	ton	1	0
	Bobbin blocks	ton	1	0
25	Bog ore	ton	0	6
	Boiler composition	ton	0	8
	Bones	ton	0	6
	Do. dissolved and compound	ton	0	9
	Do. crushed ¼ in. to ½ in.	ton	0	6
30	Bone ash, bone dust, bone flour, and bone meal	ton	0	6
	Books and stationery	ton	1	8
	Boots and shoes	ton	2	0
	Borax	ton	1	6
	Bottles, glass	ton	1	0
35	Do. broken and cullet	ton	0	3
	Boxes, kits, cases, crates, hampers, &c., empty, if not returned	ton	1	0
	Do. fancy	ton	1	6
	Bran, pollard and sharps	ton	0	8
	Brass	ton	1	8
40	Do. old	ton	1	3
	Bricks, common, common size	1,000	0	10
	Do. fire, common size and bath	1,000	0	10
	All above in proportion.			
	Brimstone, refined	ton	1	6
45	Do. rough	ton	0	9
	Bristles	ton	1	4
	Broom and brush handles, heads and stocks	ton 40 cubic feet	0	8
	Brooms, birch and heather	dozen	0	1
	Brushes	ton 40 cubic feet	1	6

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		s.	d.
Bulrushes	ton	0	9
Butter	ton	1	0
Calves' velves	ton	1	0
Candles	ton	1	6
Cane reeds	ton	1	6
Carriages, viz. :—			
With 4 wheels	each	7	6
With 2 wheels	each	5	0
Carts	each	1	6
Lorries	each	3	0
Carriages, packed (with rugs, saddlery, or general goods)	per 5 cubic feet	0	4
Do. empty	per 5 cubic feet	0	3
Carriage bodies	ton	4	0
Furniture vans	each	5	0
Furniture vans, without wheels	each	2	6
Waggons—Ballast and contractors'	each	1	6
Do. Travelling and show vans	each	7	6
Circus properties	ton	2	0
Lorries with show apparatus	each	5	0
Carrots	ton	0	6
Casks, empty, not being returned packages	ton of 40 cubic feet	1	0
Flour	ton of 40 cubic feet	1	0
Butter	ton of 40 cubic feet	1	0
Bleaching powder			
Small	ton of 40 cubic feet	1	0
Ordinary	ton of 40 cubic feet	1	0
Large	ton of 40 cubic feet	1	0
Other casks in proportion.			
Cattle, &c., viz. :—			
Bulls	each	0	6
Cows and oxen	each	0	6
Calves	each	0	3
Horses and ponies	each	1	0
Pigs	each	0	2
Sheep and goats	each	0	2
Lambs	each	0	1
Asses and mules	each	0	6
Wild animals	each	1	0
Cattle food and feeding stuffs (not otherwise specified)	ton	0	8
Caviare	ton	1	6
Cement	ton	0	9
Chalk	ton	0	3
Charcoal (wood)	ton	0	9
Cheese	ton	1	0
Chemical, electrical, and photographic apparatus	ton	2	6
Chestnuts	ton	1	6
Chimney cans, viz. :—			
3 feet high and above	100	1	6
Under 3 feet high	100	1	0

			s.	d.
	Chinaware	ton	2	0
	Chloride of lime	ton	0	9
	Chrome ore	ton	0	6
5	Cider	ton	1	4
	Cigars	ton	2	6
	Cinders and coke	ton	0	6
	Clay, viz. :—China, stone, pipe, or fire	ton	0	6
	Other kinds in proportion.			
10	Clocks and timepieces	ton 40 cubic feet	1	0
	Do.	ton of 20 cwt.	4	0
	Cloth, comprehending all fabrics of flax, tow, hemp, jute, coir, &c., whether pure or mixed, such as sheeting, hessians, dowlas, sail cloth, canvas, sacking, bagging, tarpauling, pocketing, carpeting,			
15	&c., and bags and sacks of all kinds	ton	1	6
	Coals—Scotch, English and smithy	ton	0	$2\frac{3}{4}$
	Coals—Bunker, that have not paid dues inwards	ton	0	$2\frac{3}{4}$
	Coal dust or culm	ton	0	2
	Cochineal	ton	1	6
20	Cocoa	ton	1	6
	Cocoa fibre	ton	0	8
	Cocoanuts	100	0	3
	Coffee	ton	1	6
	Condensed milk	ton	1	6
25	Confections	ton	1	6
	Copper, viz. :—			
	Bars, rods, sheets, and nails	ton	1	6
	Utensils	ton	1	6
	Old	ton	1	6
30	Ore	ton	0	6
	Copperas	ton	0	6
	Coprolites	ton	0	3
	Coral	ton	1	6
	Cordage, twine, &c.	ton	1	4
35	Corks	ton	2	0
	Cork fenders and life-buoys	ton	2	0
	Cork shavings	ton	0	6
	Corkwood	ton	2	0
	Corn, viz. :—			
40	Barley or bere	quarter	0	$1\frac{1}{2}$
	Beans	quarter	0	$1\frac{1}{2}$
	Indian corn	quarter	0	$1\frac{1}{2}$
	Lentils	quarter	0	$1\frac{1}{2}$
	Malt	quarter	0	2
45	Oats	quarter	0	$1\frac{1}{2}$
	Pease	quarter	0	$1\frac{1}{2}$
	Rye	quarter	0	$1\frac{1}{2}$
	Tares	quarter	0	2
	Wheat	quarter	0	2
50	Corn dust	ton	0	6

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		s.	d.	
Corn flour	ton	1	6	
Cotton seed	ton	0	9	
Cotton wool	ton	1	6	
Do. manufactured	ton	1	6	5
Crystal	ton	2	6	
Cutch and gambia	ton	1	0	
Dates	ton	1	6	
Dogs	each	0	6	
Draff	ton	0	3	10
Drain pipes under 3 inches diameter	ton	1	0	
Do. of other sizes	ton	1	0	
Do. collars	ton	1	0	
Drugs and all merchandise for druggists	ton	2	0	
Dyestuffs (not otherwise specified)	ton	1	4	15
Earthenware and stoneware	ton	1	6	
Earthenware pipes, glazed	ton	1	0	
Eggs	ton	1	0	
Elephants' teeth	cwt.	0	6	
Emery stones	cwt.	0	1	20
Emery paper	cwt.	0	1	
Esparto grass	ton	0	9	
Feathers	ton	2	6	
Felt	ton	1	4	
Firearms	ton	2	6	25
Fireclay goods, except bricks	ton	1	0	
Firelighters	ton	1	0	
Fish guano	ton	0	8	
Do. manure	ton	0	6	
Do. offal	ton	0	1	30
Fish hooks and fishing tackle	ton	2	0	
Flax	ton	1	6	
Do. Codilla	ton	1	0	
Do. dressed or manufactured	ton	2	0	
Flint stones	ton	0	4	35
Flour	ton	1	4	
Flower roots	ton	2	0	
Fruits, dried or preserved, in tins, glass, or otherwise	ton	1	0	
Furniture	ton	2	6	
Furriers' waste	ton	0	3	40
Game	ton	2	6	
Gelatine	ton	1	4	
Ginger	cwt.	0	1½	
Do. preserved	cwt.	0	1½	
Ginseng	ton	2	0	45
Glass, window, and plate	ton	1	6	
Do. broken	ton	0	4	
Glassware and glass goods	ton	1	6	

			s.	d.
	Glue	ton	1	6
	Glycerine	ton	2	0
	Gold and silver plate	cwt.	0	3
5	Granite stone, rough or dressed	ton	0	3
	Do. polished	ton	1	6
	Do. ground	ton	0	1
	Do. chips	ton	0	1
	Grapes	ton	1	6
10	Gravel	ton	0	1
	Grease	ton	1	0
	Green fruit (not otherwise specified)	ton	1	6
	Groats	ton	0	10
	Groceries, viz.,—			
15	Almonds	cwt.	0	1½
	Cinnamon	cwt.	0	1½
	Currants	cwt.	0	1½
	Figs	cwt.	0	1½
	Pepper	cwt.	0	1½
20	Pimento	cwt.	0	1½
	Plums	cwt.	0	1½
	Prunes	cwt.	0	1½
	Raisins	cwt.	0	1½
	And not otherwise specified	cwt.	0	1½
25	Guano	ton	0	9
	Do. Liebigs	ton	0	6
	Gum	ton	1	0
	Gunpowder, dynamite, and other explosives	cwt.	0	3
	Gut, in brine	ton	1	6
30	Gypsum, ground	ton	0	6
	Do. unground	ton	0	6
	Haberdashery and clothiery, including cotton, silk, flannel, and hosiery goods, floor cloth, linoleum, &c.	ton	2	0
	Hair—cow, ox, bull, or horse	ton	2	0
35	Do. goats' or wool	ton	2	0
	Hardware	ton	2	6
	Hats	ton	2	6
	Hay	ton	1	0
	Hemp, rough	ton	1	6
40	Do., codilla	ton	1	0
	Do., dressed or manufactured	ton	2	0
	Hides and kipps	ton	2	0
	Honey	cwt.	0	1½
	Hoops of wood	ton	1	0
45	Hops	ton	2	0
	Horns, slugs, tips, and hoofs	ton	2	6
	Do, in cases	ton	2	6
	Horn powder, shavings, and waste	ton	0	6

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		s.	d.	
Husbandry implements, viz.,—				
Ploughs	each	0	6	
Harrows	pair	0	6	
Wheelbarrows	each	0	2	
Other husbandry implements and utensils	ton	1	8	5
Husks of grain and seeds	ton	0	6	
Ice	ton	0	4	
India rubber and gutta percha	ton	1	6	
Do., manufactured	ton	2	0	
Indigo	ton	1	4	10
Ink	ton	1	8	
Insecticide	ton	1	0	
Iron, viz.,—				
Bar, bolt, angle, rod, plate, sheet, hoop, nails, and wire	ton	0	6	
Forged iron work and machinery	ton	1	6	15
Galvanized	ton	1	6	
Made work, including boilers, whole or in pieces	ton	1	6	
Railway bars, or rails, and chairs	ton	0	6	
Castings	ton	1	0	
Cast-iron goods, commonly called ironmongery	ton	1	6	20
Other cast-iron goods	ton	1	0	
Rust	ton	0	2	
Old and scrap iron	ton	0	4	
Old or broken cast-iron	ton	0	4	
Pig	ton	0	4	25
Ore	ton	0	2	
Isinglass	ton	1	6	
Ivory	cwt.	0	6	
Joiner work	ton	1	6	
Junk or old ropes	ton	0	8	30
Jute	ton	1	0	
Do. dressed or manufactured	ton	1	6	
Kelp	ton	0	6	
Lard	ton	1	0	
Lead—black, red, and white	ton	1	0	35
Do. pig, pipes, sheet and shot	ton	1	6	
Do. old and pewter	ton	0	6	
Do. ore	ton	1	0	
Leather	ton	2	0	
Lemons	cwt.	0	1½	40
Lemon juice	cwt.	0	1½	
Limes	cwt.	0	1½	
Lime juice	cwt.	0	1½	
Lime	ton	0	2¾	
Linen yarn	ton	1	6	45
Linseed, rape, cotton, oil, &c. cakes	ton	1	3	
Linseed meal	ton	1	0	
Loam	ton	0	1	
Locust beans	ton	0	9	
Do. meal	ton	0	9	50

			s.	d.
	Machinery	ton	1	6
	Madder	ton	2	0
	Do. roots	ton	1	6
5	Manganese	ton	1	0
	Mangold-wurzell	ton	0	4
	Manure—blood, manufactured	ton	0	6
	Do. do. unmanufactured	ton	0	6
	Do. street	ton	0	1
10	Do. meat meal	ton	0	6
	Do. patented, chemical, or manufactured	ton	0	9
	Do. slag of	ton	0	6
	Do. not otherwise specified	ton	0	6
	Marble	ton	1	0
15	Do. dressed or polished	ton	2	0
	Marmalade	cwt.	0	1½
	Matches, lucifer	cwt.	0	1½
	Mats—cargo and dunnage, bass	120	0	3
	Do. do. dunnage	100	0	6
20	Matting of cocoanut fibre and other material	ton	1	4
	Meal of all kinds, not otherwise specified	ton	1	4
	Metal, patent sheathing	ton	2	6
	Mill dust and waste	ton	0	3
	Mill furnishings, not otherwise specified	ton	1	6
25	Mine dust	ton	0	2
	Mohair yarn	ton	1	6
	Molasses and treacle	ton	0	9
	Morels	ton	1	4
	Moss, rock	ton	1	6
30	Do. litter	ton	0	6
	Mouldings for carvers and gilders	ton	1	6
	Muriate of lime	ton	0	9
	Do. potash	ton	0	9
	Do. soda	ton	0	9
35	Do. magnesia	ton	0	9
	Musical instruments	ton	2	6
	Naphtha	ton	2	0
	Nautical instruments :—			
	Chronometers	each	0	6
40	Compasses	each	0	3
	Other nautical instruments	ton	2	6
	Nets, fishing and other	ton	1	6
	Nitrate of soda	ton	1	0
	Nitrate of potash	ton	1	0
45	Nuts	cwt.	0	1½
	Nutmegs	cwt.	0	1½
	Oak extract	ton	1	6
	Oakum	ton	1	0
	Ochre	ton	0	6
50	Oils	ton	1	3

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		s.	d.
Oil refuse or "foots"	ton	0	9
Onions	ton	1	0
Oranges	ton	1	0
Orange juice	cwt.	0	1½
Orchella weed	ton	1	6
Paints	ton	1	0
Paper, viz. :—			
Writing and printing paper	ton	1	8
Packing paper	ton	1	8
Paper pulp	ton	0	9
Do. from wood	ton	0	9
Do. shavings	ton	0	9
Passengers' luggage :—			
If under 5 cwt. free.			
All above	ton	4	0
Paste or mill boards	ton	1	6
Pearl-harding	ton	1	6
Pears	ton	1	0
Pease, split	ton	1	0
Peats	ton	0	6
Peel—orange, lemon, &c., in pickle	cwt.	0	1½
Pelts or wet skins	ton	2	0
Perambulators	each	0	6
Perry	ton	1	4
Pewter	ton	1	6
Phosphate of lime	ton	0	6
Slag, rock, ammonia	ton	0	6
Gypsum, &c.	ton	0	6
Phosphates—ground, unmanufactured	ton	0	3
Pictures and mirrors	ton	2	6
Pig heads and feet	ton	1	6
Pitch, coal tar	ton	0	6
Pitch, vegetable	ton	0	6
Plants of trees or shrubs	ton	1	6
Plaster of Paris	ton	0	6
Porter in casks	54 gals.	0	6
Do. bottles	ton	1	6
Potatoes	ton	0	4
Do. preserved	cwt.	0	1½
Potash	ton	1	0
Do. prussiate	ton	1	0
Do. sulphate	ton	1	0
Do. chloride	ton	1	0
Do. nitrate	ton	1	0
Do. bichromate of	ton	1	0
Do. waste of	ton	0	6
Poultry and fowls	dozen	0	1
Do. do. food	quarter	0	1

			s.	d.
	Preserved provisions	cwt.	0	1½
	Prunelloes	ton	1	4
	Pumice stones	ton	1	0
5	Putty	ton	1	0
	Pyrites	ton	0	4
	Do. burnt or spent	ton	0	2
	Quills, undressed	1,000	0	1
	Rabbits	cwt.	0	1
10	Rags of all kinds, waste, old or waste paper, rag mats, &c.	ton	0	8
	Rails, composite or steel, and iron	ton	0	6
	Railway plant, not otherwise specified	ton	1	6
	Rice	ton	1	0
	Rosin	ton	1	4
15	Rubbings and sweepings of grain	quarter	0	1
	Sacks	50	0	1
	Saddlery (not otherwise specified)	ton	2	6
	Sago	ton	1	0
	Salt	ton	0	8
20	Salt, rock, agricultural, and kainit	ton	0	6
	Saltpetre, refined	ton	2	6
	Salts, muriates, nitrates, sulphates, saltpetre, and other salts not otherwise specified	ton	1	0
	Sand	ton	0	1
25	Seeds of all kinds, except those for crushing	ton	1	6
	Seeds for crushing	ton	1	0
	Seed cleanings	ton	0	9
	Semolina	ton	1	0
	Sewing machines	each	0	6
30	Do. machine stands	each	0	4
	Shakes or packs of staves for casks, pipe or puncheon	each	0	1
	Others in proportion.			
	Sheep dip	ton	1	0
	Shoddy	ton	0	3
35	Shumach	ton	1	6
	Silica	ton	1	6
	Size	ton	1	0
	Skins, untanned, viz. :—			
	Calf, wet	ton	2	0
40	Do. dried	ton	2	0
	Bear	score	0	10
	Sheep	score	0	3
	Deer	score	0	10
	Kid	score	0	4
45	Lamb	score	0	3
	Seal	score	0	3
	Sheep, dressed	ton	2	0
	Hare and rabbit	score	0	1
	Screws, wet or dried	ton	0	4
50	Other skins in proportion to those specified.			

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		s.	d.
Slates, viz. :—			
Under size	1,200	0	8
Sizeable	1,200	1	3
Over size	1,200	2	0
Moss, mixed, drain slates, and slate slabs, drains and cisterns, vent linings and ridges	ton	1	6
Slates—school, and slate pencils	ton	1	8
Do. enamelled	ton	2	6
Smalts and ultramarine	ton	2	6
Snuff	ton	2	6
Soap	ton	1	0
Soapers' waste	ton	1	0
Do. salts	ton	0	6
Soda and soda ash	ton	0	9
Solder	ton	1	6
Soot	ton	0	3
Spades and shovels	dozen	0	2
Spelter	ton	1	6
Spermaceti	ton	2	0
Spirits	ton	2	6
Sponges	5 cubic feet	0	3
Starch	ton	1	0
Steel, cast	ton	1	6
Do. old, cast	ton	0	4
Do. plates, angles, and bulbs for shipbuilding purposes	ton	0	6
Sticks, walking	ton	1	8
Stones, viz. :—			
Rubble, and rough ashlar freestone	ton	0	1
Hewn ashlar freestone	ton	0	1
Rubble causeway	ton	0	1
Road metal	ton	0	1
Causeway stones, dressed	ton	0	1
Pavement	ton	0	1
Kerb	ton	0	1
Curling	ton	5	0
Gravestones	each	2	6
Scythe stones	gross	0	4
Grindstones	ton	0	6
Millstones	ton	0	6
Rigging stones	ton	1	6
Quartz for rockeries	ton	0	1
All other description of stones not otherwise specified	ton	0	6
Stores, ship, not otherwise specified	ton	1	6
Straw	ton	0	9
Do. envelopes	ton	1	6
Stucco	ton	0	6
Do. figures	ton	2	6
Sugar, raw	ton	1	0

		s.	*d.*	
	Sugar, refined - - - - - - ton	1	0	
	Do. moulds - - - - - - ton	1	0	
	Sulphate of ammonia - - - - - - ton	1	0	
5	Do. of barytes - - - - - ton	1	0	
	Do. of soda - - - - - - ton	1	0	
	Do. of potash - - - - - - ton	1	0	
	Do. of copper, iron, zinc, or copperas - - - ton	1	0	
	Sulphur - - - - - - ton	1	0	
10	Superphosphates - - - - - ton	0	9	
	Tallow and paraffin wax - - - - ton	1	0	
	Tamarinds - - - - - - cwt.	0	1½	
	Tanners' waste and curriers' shavings - - - ton	0	3	
	Do. materials not otherwise specified - - ton	2	0	
15	Tar, coal - - - - - - ton	0	6	
	Do. vegetable - - - - - - ton	0	6	
	Teas - - - - - ton	1	8	
	Thread - - - - - - - ton	2	0	
	Do. old - - - - - - ton	0	6	
20	Tiles, common size - - - - - ton	1	0	
	Do. drain, common size - - - - ton	1	0	
	Others in proportion.			
	Tin of all kinds - - - - - - ton	2	0	
	Do. plates - - - - - - ton	1	0	
25	Tinware - - - - - - ton	2	0	
	Tobacco - - - - - ton	2	6	
	Tobacco juice, tobacco paper, and tobacco cloth - ton	2	0	
	Tobacco pipes - - - - - - ton	2	6	
	Tongues, smoked - - - - - - dozen	0	1	
30	Do. pickled - - - - - dozen	0	1	
	Tortoiseshell - - - - - - cwt.	0	6	
	Tow - - - - - - - ton	1	3	
	Do. codilla - - - - - - - ton	1	0	
	Do. dressed or manufactured - - - ton	2	0	
35	Toys - - - - - - - - cwt.	0	2	
	Tricycles - - - - - each	0	9	
	Trunks, leather covered - - - - - ton	1	6	
	Turmeric - - - - - - ton	2	6	
	Turnips - - - - - - ton	0	4	
40	Turpentine - - - - - - ton	2	0	
	Twine and twisted yarn - - - - - ton	1	6	
	Umber - - - - - - - ton	1	0	
	Valonia - - - - - - ton	1	4	
	Varnish - - - - - - ton	1	0	
45	Vases, or sculptured marble - - - - ton	4	0	
	Vegetables - - - - - - ton	1	8	
	Do. preserved - - - - - cwt.	0	1½	
	Veneers of all kinds - - - - - ton	2	6	
	Verdigris - - - - - - ton	2	0	

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		s.	d.
Vermillion	cwt.	0	6
Vinegar	ton	1	0
Vitriol and acids in carboys	ton	1	0
Watches, trinkets, and jewellery	cwt.	1	6
Whalebone, dressed or undressed	ton	1	6
Whitening and pulverised marble	ton	0	6
Willow reeds	ton	1	8
Wine, in casks	ton	2	6
Do. bottles	ton	2	6
Wire for fencing	ton	0	3
Wire rope	ton	1	0
Wood, from or to places out of the United Kingdom, calliper measure, viz. :—			
Ash, beech, birch, elm, iron bark, oak, teak, and other hard wood	50 cubic feet	1	0
Fir, larch, pine, pitch pine, deals, deal ends, and battens	50 cubic feet	0	9
Oak or wainscot boards and planks	50 cubic feet	1	0
Wainscot logs	50 cubic feet	1	6
Boards, paling	120	0	4
Masts and spars, viz. :—			
Masts, yards, or bowsprit wood, viz. :—			
Under 4 inches diameter	60 pieces	1	0
4 in. and under 6 in. „	60 pieces	1	6
6 in. and under 8 in. „	50 cubic feet	0	6
8 in. and under 12 in. „	50 cubic feet	0	9
12 in. diameter and upwards	50 cubic feet	1	0
Spars	50 cubic feet	0	9
Oars and oar rafters	120	1	0
Rickers, boat-hook handles, and hoops	120	0	9
Handspikes	120	0	3
Treenails	1,200	0	6
Wedges	1,000 pieces	0	6
Cartwheel spokes and felloes	60 pieces	0	2
Shovels and scoops	120 pieces	0	9
Lathwood	216 cubic feet	0	9
Do. split	216 cubic feet	1	6
Do. in billets	216 cubic feet	1	6
Pit props	50 cubic feet	0	6
Sleepers	50 cubic feet	0	9
Ufers	50 cubic feet	0	9
Fibre for basketmakers	ton	1	6
Firewood	216 cubic feet	0	4
Do. deal ends above 4 ft. in length	50 cubic feet	0	9
Flooring, dressed	50 cubic feet	0	9
Delivered by weight, viz. :—			
Barwood	ton	1	6
Boxwood	ton	1	6
Brazilwood	ton	2	0
Camwood	ton	2	0

			s.	d.
	Wood—*cont.*			
	Dyewood	ton	1	6
	Ebony	ton	1	6
5	Fustic	ton	1	6
	Lancewood	ton	1	6
	Lignum vitæ	ton	1	6
	Logwood	ton	1	6
	Mahogany	ton	1	6
10	Nicaragua wood	ton	2	0
	Redwood	ton	1	6
	Rosewood	ton	1	6
	Sassafras	ton	1	6
	Walnut	ton	1	6
15	Wood staves, viz. :—			
	American pipe	1,000	10	0
	Do. single hogshead	1,200	4	0
	Do. single barrel	1,200	2	0
	Do. hogshead billets	1,200	6	8
20	Do. barrel billets	1,200	5	4
	Baltic and Hamburg pipe	1,200	20	0
	Do. hogshead	1,200	13	4
	Do. best barrel	1,200	6	8
	Do. barrel, inferior quality	1,200	3	4
25	British barrel	1,200	2	0
	Do. of fir	1,000 feet	0	10
	West India	1,200	4	0
	Brandy	1,200	16	0
	Herring barrel staves	1,000 feet	0	10
30	Wood from and to places in the United Kingdom, viz. :—			
	Fir and pine	50 cubic feet	0	6
	Hardwood	50 cubic feet	0	8
	Planks and deals, fir	50 cubic feet	0	6
	Do. hardwood	50 cubic feet	0	8
35	Cartwheel spokes and felloes	100 pieces	0	3
	Pit props	not exceeding 4 in. diam. per foot run	0	$0\frac{3}{4}$
	Do.	all above 4 in. per foot run	0	$1\frac{1}{2}$
	Sleepers	50 cubic feet	0	6
	Staves, hogshead	120	0	2
40	Do. barrel	120	0	1
	Burnwood	ton	0	6
	Wedges	1,000	0	6
	Doors, windows, and other framed goods	ton	1	6
	Wood, carved and turned	ton	1	6
45	Woodware and utensils	ton	1	6
	Wood pulp, wood turners' waste, and sawdust	ton	0	6
	Wood shavings	ton	0	6
	Wool	ton	2	0
	Do. manufactured	ton	2	0
50	Wreck materials to be charged one-half per cent. on the value.			

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		s.	d.
Yarn, viz. :—			
Cotton, tow or hemp	ton	1	6
Jute	ton	1	0
Flax	ton	1	6
Worsted	ton	2	0
Yeast	ton	1	6
Zinc	ton	1	0
Do. old	ton	0	6
Do. goods	ton	2	0

EXEMPTIONS AND REGULATIONS.

1. All goods imported and re-shipped overside, or conveyed direct from one vessel to another, for the purpose of being exported, shall be charged only one-half of the rates specified in the foregoing Schedule ; but goods landed and deposited in the sheds belonging to the Trustees, or remaining on the quays or wharves overnight, shall be charged full rates.

2. All goods which have paid rates inwards shall be exempted from payment of rates outwards, if they be in the original state, and in the original packages, and provided they have not been removed from the quays or works of the Trustees, and are re-shipped within seventy-two hours after having been landed, but otherwise they shall be charged full rates outwards also.

3. All goods which have paid rates outwards shall be exempted from payment of rates inwards, if returned to the original shipper, and in the original state, but otherwise they shall be charged full rates inwards also.

4. All goods landed from vessels requiring repairs shall be exempted from payment of rates, provided such goods are again put on board the vessels from which they have been landed ; but they shall be charged such sum, in name of quay rent or otherwise, as shall be fixed by the Trustees. If such goods are not re-shipped on board the vessel from which they have been landed, they shall be charged full rates.

5. Every shipmaster (except of steam or other vessels being regular traders as after provided for), shall call at the Shore Dues Office within twelve hours after the arrival of the vessel in the harbour, and give an account of the cargo inwards, by producing the manifest, bills of lading, manifest book, freight account book, Custom House papers, or such other documents as may show the true contents of the cargo, and grant security, either by consignation or otherwise, before a permit or warrant is issued for discharging the same; and every shipmaster taking on board goods shall give intimation to the collector of rates before he begins to load, and procure a permit or warrant to ship the same before allowing such goods to be put on board, and shall immediately, on being laden, or before

sailing, give an account of his cargo outwards, by producing the manifest, bills of lading, mate or ship's book, or other documents, and pay the rates on said goods, so far as not already paid, all under a penalty not exceeding ten pounds for each transgression of this regulation.

6. Every shipmaster, owner, manager, consignee, or other person duly authorised, of a steam or other vessel, being a regular trader to the port of Montrose, shall call at the Shore Dues Office immediately on the arrival of the vessel, or so soon thereafter as the office is open, and, in the case of sailing from the port, before the vessel's departure, and give an account of the cargo by production of the documents above mentioned, and grant security or make consignation as above expressed, under the like penalty, not exceeding ten pounds for each transgression of this regulation.

7. The rates on goods imported shall be payable before the goods are unshipped or removed from the works of the Trustees, and on goods exported before being put on board the vessel, under a penalty not exceeding five pounds for each offence; and the harbour-master is authorised and required to refuse to allow any vessel to leave any part of the harbour until he receive from the collector of rates a permit showing that all rates exigible on goods imported or exported by such vessel have been paid.

8. Ships' outfit and stores of all kinds, including provisions, when taken direct on board of any vessel for her own use, or landed for the purpose of being again re-shipped for the use of the same vessel out of which they have been so landed, shall be exempted from payment of rates, but nowhere in the foregoing Order or schedules shall bunker coals be reckoned as ships' outfit or stores.

9. All returned empty boxes, barrels, bags, sacks, and pack sheets shall be exempted from payment of rates.

10. The ton mentioned in the foregoing schedule is the ton of twenty hundredweight, or, in cases where weight cannot be got, of forty cubic feet.

11. In weighing and measuring goods for ascertaining the rates payable, the weight or measurement of the packing material shall be included.

Pier and Harbour Provisional Order (No. 4).

A

B I L L

To confirm a Provisional Order made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Montrose.

(Prepared and brought in by Mr. Burt and Mr. Bryce.)

Ordered, by The House of Commons, *to be Printed,* 11 *June* 1894.

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[*Price 3d.*]

[Bill 275.]

A

B I L L

TO

Amend the Law relating to Pilotage.

A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title.

1. This Act may be cited as the Merchant Shipping (Pilotage by Masters and Mates) Act, 1894.

Master or mate, if examined and passed, to receive a particular pilotage certificate.

2. The master or mate of any ship may upon giving due notice, and consenting to pay the usual expenses, apply to any pilotage authority to be examined as to his capacity to act as pilot within any part of the district over which such pilotage authority has jurisdiction; and such master or mate shall, if such authority think fit, be examined, and if found competent, a pilotage certificate shall be granted to him, containing his name and a description of the limits within which he may act as pilot, such limits to be within such jurisdiction as aforesaid, and such certificate shall enable the person therein named to act as pilot in any ship or ships on which he is engaged and actually acting as master or mate of at the time, but no other within the limits therein described without incurring any penalties for the non-employment of any other qualified pilot.

3. The provisions of this Act shall come into force on the *first day of January one thousand eight hundred and ninety-five*, and any existing byelaws made by any pilotage authority with the consent of Her Majesty in Council, under section three hundred and thirty-three of the Merchant Shipping Act, 1854, which are or may be inconsistent with the provisions of section two of this Act

[Bill 287.]

A.D. 1894.

are, as from the *first day of January one thousand eight hundred and ninety-five*, revoked and repealed accordingly.

Construction of Act.

4. This Act shall be construed as one with Part five of the Merchant Shipping Act, 1854, and expressions in this Act shall have the same meaning as in the Merchant Shipping Act, 1854, and the Acts amending the same.

Repeal.

5. As from the date at which this Act comes into operation the enactment specified in the schedule of this Act shall be repealed to the extent therein mentioned.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
17 & 18 Vict. c. 104. -	Merchant Shipping Act, 1854 -	The whole of section three hundred and forty.

Pilotage.

A

B I L L

To amend the Law relating to Pilotage.

(*Prepared and brought in by*
Sir Albert Rollit, Mr. Charles H. Wilson,
Sir H. Seymour King, Mr. Clarence Smith,
Commander Bethell, and Mr. Wilson Todd.)

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90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 287.]

A

B I L L

TO

Amend the Law relating to the Rating of Places of Worship and Schools. A.D. 1894.

WHEREAS it has been ascertained that the "minister and incumbent" who are by the Public Health Acts exempted from certain local charges do not include trustees:

And whereas in many urban districts the Private Street Works Act, 1892, having been adopted, trustees are exempted from such charges as well as ministers and incumbents:

And whereas in London neither ministers, incumbents, or trustees are exempted unless the property has been consecrated:

And whereas literary institutes, not being places of worship, are exempt from rates and charges when held by trustees, but in numerous cases places of worship and schoolrooms used as literary institutes are held by trustees other than the ministers or incumbents, and so become rateable:

It is expedient to remedy the inequality and uncertainty which thus arise, and to render the law in relation to these matters uniform in London and the whole of England and Wales, and likewise to define the limits of such exemption:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Places of Worship and Schools Rating Exemption Act, 1894. Short title.

2. The words "incumbent" and "minister" in the hundred and fifty-first section of the Public Health Act, 1875, shall be deemed to include a trustee or other person, who, if reckoned to be chargeable or liable to be rated to the relief of the poor, may claim exemption under the Act three and four William the Fourth, chapter thirty. Interpretation.

[Bill 73.]

A.D. 1894.

Further exemption of schools, &c. from rates.

3. No school or place of worship otherwise exempt from rating under any statutory exemption shall fail to be so exempt on account of being occasionally used for lectures, organ recitals, bazaars, or the sale of literature, or for eisteddfodau, tea-meetings, choral festivals, or such similar meetings, notwithstanding that a collection is made to secure profit, or that prices are charged for the tickets of admission, provided that the charge made merely pays for the expenses of the meeting, or that the surplus proceeds after such payment, if any, are devoted without deduction to the funds for meeting expenses connected with the school, or with the conduct of public worship, or otherwise to the income of a society, choir, guild, or institute, ancillary to the purpose of teaching or worship for which the property is held in trust, and which the persons so claiming to be exempt are not by law required to support.

Application to metropolitan area.

4. Every school or place of worship so held and used that it would, if situate within any local board district, be under this or any other Act, exempt from any rate, charge, or assessment by any public authority, shall be so exempt if situate within the metropolitan area.

Saving.

5. Nothing in this Act shall exempt any property which is let for rent or profit, on hire or lease, to tenants for religious or educational uses, so far as the liability, if any, of the person receiving such rent or profit is concerned.

Premises let for short period not to be liable for whole year's rating.

6. Premises which would otherwise be exempt under this Act shall not be liable to poor or local rates, on an assessment of the whole value, on account of being let occasionally for profit, for less than seven days, as polling booths, or as halls for concerts or meetings, but if assessed, shall be deemed to be of a gross annual value not exceeding the total amount received or fairly calculated to be received during any one year for such occasional letting for profit.

Incorporation of section sixteen of Private Street Works Act, 1892. 55 & 56 Vict. c. 57.

7. The sixteenth section of the Private Street Works Act, 1892, is hereby incorporated in this Act as if herein enacted, to secure uniformity in London and the whole of England and Wales.

Limitation of period of exemption.

8. An edifice used as a place of worship, though not consecrated or otherwise permanently dedicated to religious uses, shall be exempt from rating as if it were consecrated during the period in which it is used as such and for purposes set forth in the third section of this Act, and if such property comes to be used for other purposes the local authority shall be entitled to recover the amount of paving or private street works expenses which had been under this Act

exempted from payment, and the liability of the owner shall accrue as if the exempted charges had been apportioned on the day when such changed use came within the knowledge of the surveyor or other person entitled to apportion such charges on behalf of the local authority. Provided no claim shall be made by a local authority under this section after more than *thirty years* have elapsed since the exemption was allowed.

Places of Worship, &c., Rating.

A

B I L L

To amend the Law relating to the Rating of Places of Worship and Schools.

(*Prepared and brought in by Mr. Clarence Smith, Mr. Clough, Mr. Owen, and Mr. Perks.*)

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HODGES FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin

[*Price* ½*d.*]

[Bill 73.]

Places of Worship (Sites) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Extent.
3. Purposes.
4. Acquisition of sites otherwise than by consent.
5. Requisition.
6. Memorial to council.
7. Procedure on memorial.
8. Arbitration.
9. Conveyance.
10. Power of entry under certain circumstances.
11. Informalities.
12. Fees.
13. Powers for local inquiry.
14. Rights as to minerals.

SCHEDULE.

A

B I L L

TO

Give further facilities for the Acquisition of Sites for Places of Worship.

A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Places of Worship Sites Act, 1894, and this and the Places of Worship Sites Act, 1873, and the Places of Worship Sites Amendment Act, 1882, (in this Act referred to as "the principal Acts") may be cited together as the Places of Worship Sites Acts, 1873 to 1894.

Extent.

2. This Act shall not apply to Scotland or Ireland.

Purposes.

3. The provisions of this Act shall extend to the acquisition of sites for any church, chapel, or meeting-house, or other place of divine worship, and for a minister's residence in connexion therewith, and the provisions of this Act and of the principal Acts shall also extend to the acquisition of land for the enlargement of any site acquired or to be acquired for any of the said purposes.

Acquisition of sites otherwise than by consent.

4. A site for a place for any of the purposes to which the provisions of this Act extend, not being any park, garden, pleasure ground, or other land required for the amenity or convenience of any dwelling-house, may be acquired under this Act otherwise than by consent in the manner and subject to the conditions herein specified.

Requisition.

5. A requisition in writing must be served on the owner, lessee, and occupier or reputed owner, lessee, and occupier of the proposed site. The requisition must be accompanied with a plan showing the proposed site, which plan shall bear a reference to the ordnance map of the district on the largest available scale with the date of survey named on the map, and must specify the religious denomination for whose use the site is required, and

A.D. 1894.

the names of the trustees to whom the site should be conveyed, and must be signed by not less than twenty inhabitant householders resident in the parish in which the site is situate, or within a radius of two miles from the proposed site. The provisions of the schedule to this Act as to the form and mode of service of the requisition shall be observed.

Memorial to council.

6. Upon the expiration of *six months* after service of the requisition as aforesaid, a memorial may be presented to the Local Government Board praying that an order may be made for the acquisition of the site. The memorial must be signed by not less than five of the persons who signed the requisition, and must be accompanied with a copy of the requisition and plan, and must show that the memorialists have failed to obtain the proposed site by consent, and that not less than *twenty-one days* notice of intention to present the memorial has been served in the manner and on the persons by this Act prescribed with reference to service of the requisition.

Procedure on memorial.

7. The Local Government Board shall take the memorial into consideration, and may either dismiss the same or direct a local inquiry to be held as to the propriety of assenting to the prayer thereof, and if on such local inquiry the Local Government Board are satisfied that an order for the acquisition of the site, or of any part thereof, ought to be made, with or without conditions, the Board may make an order accordingly directing the site, or part thereof, to be conveyed to the trustees named by the memorialists.

In determining the matter of a memorial the Local Government Board shall have regard to all the circumstances of the case, including the accommodation already available within a reasonable distance for religious worship for members of the same denomination, the ability or otherwise of the memorialists to obtain some other suitable site by agreement, and whether any injury will be caused to other property.

Arbitration.

8. In default of agreement as to the amount of the purchase money or compensation to be paid for the site, that amount shall be determined by arbitration in accordance with the provisions of the Arbitration Act, 1889. In estimating the purchase money or compensation regard shall be had not only to the value of the land but also to the damage, if any, to be sustained by the owner, lessee, or occupier of the land by reason of the severing of the land taken from the other lands of such owner, or otherwise injuriously affecting such other lands.

Conveyance.

9. Within *six months* after an order is made as aforesaid, the person or persons to whom the conveyance is to be made upon

paying the purchase money or compensation, and on performance of any conditions mentioned in the order in this behalf, may execute a deed poll in a form approved by the Local Government Board, by virtue whereof the site so ordered to be conveyed shall vest in such person or persons on the trusts and subject to the other conditions specified in the deed, and such deed shall have effect and the purchase money or compensation shall be applied and dealt with as if the site had been voluntarily granted or conveyed under the principal Acts by the person or persons having power under those Acts to grant or convey the same.

In cases to which the first section of the Places of Worship Sites Amendment Act, 1882, applies, an order under this Act may be made without the consents required by that section, but the Local Government Board may require notice to be given to and shall take into consideration any objection made by any body or person whose consent would under that section be required.

Power of entry under certain circumstances.

10. In case the land or any part thereof conveyed under this Act shall at any time cease to be used for the purposes of this Act, the landowner in whom is then vested the land from which the site acquired under this Act has been severed, may enter into possession of such land upon payment to the trustees of such a sum as, failing agreement, shall be determined by arbitration in accordance with the provisions of the Arbitration Act, 1889.

Informalities.

11. No act, document, or proceeding under this Act shall be avoided by any formal defect or informality in procedure, or by any failure to comply with any of the requirements of this Act or of the schedule hereto as to the form, signature, contents, or service of a requisition or memorial, but the Local Government Board may direct such amendments to be made and notices given as they think just.

Fees.

12. There shall be paid in respect of memorials under this Act such fees as the Local Government Board by general order direct, and provision may be made by any such order as to the time for payment of such fees and as to any deposit to be made or other security to be given for payment thereof.

Powers for local inquiry. See 38 & 39 Vict. c. 55. s. 296.

13. The inspectors of the Local Government Board shall, for the purposes of any inquiry directed by the Board under this Act, have in relation to witnesses and their examination, the production of

A.D. 1894.

papers and accounts, and the inspection of places and matters required to be inspected, similar powers to those which poor law inspectors have under the Acts relating to the relief of the poor.

Rights as to minerals.

14. The rights of the vendor and purchaser as to minerals shall be the same as under the Railway Clauses Consolidation Act.

SCHEDULE.

(1.) A requisition may be in the following form or to the like effect:—

We, the undersigned members of (*here insert usual designation of the particular religious body*), being inhabitant householders, request you in pursuance of the Places of Worship Sites Acts, 1873 to 1894, to grant to the trustees named below the site shown on the annexed plan as a site or for the enlargement of a site for [*a church, chapel, meeting-house, or other place of divine worship*] or [*a minister's residence in connexion with* (*a church, chapel, meeting-house, or other place of divine worship*)].

Names of trustees, with their addresses.

(Signed) (*Note.*—The name of the parish in which each person signing the requisition resides must be inserted.)

Dated

(2.) A requisition must be served either personally or by registered letters addressed to the usual place of abode or business of the owner, lessee, and occupier or reputed owner, lessee, and occupier of the proposed site. If any such owner, lessee, or occupier cannot be found, such service or notice may be substituted as the Local Government Board direct.

Places of Worship (Sites).

A

B I L L

To give further facilities for the Acquisition of Sites for Places of Worship.

(*Prepared and brought in by*
Mr. John Ellis, Mr. Billson, Mr. C. Fenwick,
Mr. Herbert Lewis, Mr. Perks,
Mr. Henry J. Wilson, and Mr. Carvell Williams.)

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[*Price* 1*d.*]

[Bill 90.]

Plumbers Registration Bill.

MEMORANDUM.

THE chief object of this Bill is to afford additional safeguards to the public health by enabling persons employing plumbers to select, when they desire to do so, persons who have given evidence of their qualification for plumber's work.

There has been for several years a system of registration of plumbers established in the chief centres of Great Britain and Ireland, and by the Bill it is proposed to place this system upon a broader and more permanent basis.

The arrangements as to the examinations for registration will be placed under the jurisdiction of a General Council, representing the master and operative plumbers, the Plumbers Company, and the chief educational and sanitary bodies of the United Kingdom, with branch councils in Scotland, Ireland, and Wales. It is proposed also to give the Council power to promote technical education among plumbers, and to exercise discipline among those whose names are enrolled upon the register.

The Bill does not contemplate any monopoly, and it does not interfere in any way with the rights of non-registered plumbers. It prohibits, however, such plumbers from representing themselves to be registered.

See the Report from the Select Committee on the Plumbers Registration Bill; together with the proceedings of the Committee, minutes of evidence, appendix, and index; ordered, by the House of Commons, to be printed, 8th April 1892.

This Bill is the Bill as amended by that Committee, and read a second time in 1893.

Plumbers Registration Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Commencement of Act.
3. Interpretation.
4. General Council.
5. Branches of council for Scotland, Ireland, and Wales.
6. Plumbers who are members of General Council to be registered.
7. Resignation or death of members of General Council.
8. Time and place of first and subsequent meetings of General Council.
9. Power of General Council to make byelaws or orders.
10. Examination and registration of plumbers to devolve upon the Company.
11. Certain plumbers to become freemen.
12. Appointment of registrars by branch councils.
13. Application and investment of fees, &c.
14. Accounts to be published.
15. Registers to be published.
16. Removal of names from register.
17. Restoration of names to register.
18. Procedure of General Council in removing or restoring names in register.
19. Persons qualified to be registered. Qualifying examination.
20. Penalty for impersonating registered plumber.
21. Penalty on wilful falsification of register.

Clause.

22. Penalty for obtaining registration by false representations.
23. Recovery of penalties.
24. Application of penalties.
25. Registrars of death to give notice.

SCHEDULE A.

SCHEDULE B.

A

B I L L

FOR

The National Registration of Plumbers.

A.D. 1894.

WHEREAS it is expedient for the due protection of the public against the serious diseases and dangers to health which arise from pollution of the water and air in dwelling-houses and other buildings, through defects in the design and construction of the works commonly known as plumber's works, that persons employing plumbers should be enabled to distinguish between qualified and unqualified plumbers, and that the qualification and practice of plumbers should be regulated:

And whereas the Master, Wardens, and Commonalty of the Freemen of the Ancient Guild of Plumbers of the City of London (commonly known as the Worshipful Company of Plumbers), acting in conjunction with a large number of persons elected in public meetings as district councils to represent the Master and Operative Plumbers, and the public of the chief cities and towns of Great Britain and Ireland have, in conformity with the resolutions of the Congress of Metropolitan and Provincial Plumbers held in London in 1884, established schools, workshops, and other facilities for the technical and scientific instruction and examination of persons following the art of plumbing. and have made and maintained a register of qualified persons

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may for all purposes be cited as the Plumbers Act, 1894.

Commencement of Act.

2. This Act shall commence and take effect from the *first day of January one thousand eight hundred and ninety-five*, herein-after referred to as the commencement of this Act.

A.D. 1894.

Interpretation.

3. In this Act—

"the Company" means the Master, Wardens, and Commonalty of the Freemen of the Ancient Guild of Plumbers of the City of London incorporated by charter, &c.;

"Plumbers' district council" means a council constituted prior to the commencement of this Act, in accordance with the rules and regulations of the Company, or constituted after the commencement of this Act in accordance with the byelaws or orders of the General Council;

"sanitary plumbing" means the art of plumbing as commonly understood, and the knowledge of sanitary appliances and their proper construction and adjustment.

General Council.

4.—(1.) A council which shall be styled the "General Council of Plumbers Education and Registration," herein-after referred to as "the General Council," shall be established, and branch councils for Scotland, Ireland, and Wales respectively formed thereout as herein-after provided.

The General Council shall consist of the following members (that is to say):

For England—

Six master plumbers, six operative plumbers, and six persons being members of a sanitary authority within the meaning of the Public Health Act, 1875, and the Public Health (London) Act, 1891, or medical officers of health, inspectors of nuisances, or sanitary inspectors;

For Scotland—

Two master plumbers, two operative plumbers, and two persons being members of a local authority within the meaning of the Public Health (Scotland) Act, 1867, or medical officers of health or sanitary inspectors;

For Ireland—

Two master plumbers, two operative plumbers, and two persons being members of a local authority within the meaning of the Public Health (Ireland) Act, 1878, or medical officers of health or sanitary inspectors;

For Wales—

Two master plumbers, two operative plumbers, and two persons being members of a local authority within the meaning of the Public Health Act, 1875, or medical officers of health, or sanitary inspectors;

to be elected by the majority of the members present at meetings to be held and convened as herein provided of the Plumbers' district councils for the time being in England, Scotland, Ireland, and

Wales respectively (including the Plumbers' district councils representing the cities, towns, and districts enumerated in Schedule A. of this Act), such meetings to be held before the *first day of January one thousand eight hundred and ninety-five*, and to be convened by the Company by a notice to be published in newspapers circulating in the respective cities, towns, or districts where the meetings are to be held: Provided always, that not more than two persons resident in the same city, town, or district shall be eligible under this subsection.

(2.) The Master and Wardens for the time being and two members of the court of the Company.

(3.) The president or other elected member of the United Operative Plumbers Association of Great Britain and Ireland.

(4.) And such number of persons not exceeding thirty-six as may be elected by above enumerated members of the General Council from the nominees of the bodies named in Schedule B. of this Act or other bodies having kindred objects.

Branches of council for Scotland, Ireland, and Wales.

5. The members elected by the Plumbers' district councils of the cities, towns, and districts situate in Scotland, Ireland, and Wales respectively, and such other members of the General Council, not exceeding six, as may be from time to time appointed by the General Council to such branch council, shall be the branch councils for such parts of the United Kingdom, and shall have delegated to them such of the powers and duties vested in the General Council as that council may see fit. The president for the time being of the General Council shall be an ex-officio member of all branch councils.

Plumbers who are members of General Council to be registered.

6. The master plumbers and operative plumbers who are members of the General Council must be qualified to be registered at the commencement of this Act, and must register themselves as soon as possible after the appointment of registrars under this Act.

Resignation or death of members of General Council.

7. The members of the General Council shall be chosen, nominated, and elected for a term not exceeding *three years*, and shall be eligible for re-appointment, and any member may at any time resign his appointment by letter addressed to the president of the said council, and upon the death or resignation of any member of the said council appointed by any of the bodies herein-before named, including Plumbers' district councils for the time being, some other person shall be appointed by such body a member of the said council in his place as in this Act provided, and notwithstanding any such vacancy the General Council may exercise all or any of the powers conferred upon them by this Act.

A.D. 1894.

Time and place of first and subsequent meetings of General Council.

8. The General Council shall hold their first meeting within *three months* from the commencement of this Act, in such place and at such time as the Company shall appoint, and shall elect a president out of their own number for a term not exceeding *three years*, and make such rules and regulations as to the times and places of the meetings of the General Council, and the mode of summoning the same as shall seem to them expedient, which rules and regulations shall remain in force until altered at any subsequent meeting, and in the absence of any rules or regulations as to the summoning a meeting of the General Council it shall be lawful for the president to summon a meeting at such time and place as shall seem to him expedient by letter addressed to each member, and at every meeting in the absence of the president some other member to be chosen from the members present shall act as president, and all acts of the General Council shall be decided by the votes of the majority of the members present at any meeting, the whole number present being not less than one fourth of the total number of the members of the General Council for the time being, and at all such meetings the president for the time being shall, in addition to his vote as member of the General Council, have a casting vote in case of an equality of votes.

Power of General Council to make byelaws or orders.

9. The General Council shall with all convenient speed after the commencement of this Act, and from time to time as occasion may require, make byelaws for the regulation of their own procedure, and also byelaws for directing, instituting, and regulating—

(1.) The election of the successors from time to time of the members of the General Council to be appointed as hereinbefore provided.

(2.) The constitution and functions of Plumbers' district councils.

(3.) The filling up of any vacancies in its own body.

(4.) The examinations to qualify persons to obtain registration under this Act, and other examinations and courses of study and practice calculated to promote the advance of sanitary plumbing.

(5.) The registers to be kept under this Act and the duties of registrars in respect thereof.

(6.) The fees payable by persons registered under this Act.

(7.) The fees, if any, to be paid to members for attendance and travelling expenses.

All such byelaws to be subject to the approval of the Local Government Board: Provided that if, at the expiration of *one month* from the submission of a byelaw by the General Council to

A.D. 1894.

the Local Government Board, the Local Government Board has not signified an intention to refuse to confirm the said byelaw it shall be valid and of the same force and effect as if it had been confirmed by the Local Government Board.

Examination and registration of plumbers to devolve upon the Company.

10. The Company shall be the body upon whom shall devolve, subject to the orders and supervision of the General Council, the examination and registration of plumbers in the United Kingdom, and generally subject as aforesaid the carrying out of the objects of this Act.

Certain plumbers to become freemen.

11. All plumbers passing in the honours grade such qualifying or other examinations as may be from time to time fixed by the General Council shall be admitted without the payment of any fee or charge freemen of the Company.

Appointment of registrars by branch councils

12. The branch councils for Scotland, Ireland, and Wales shall respectively appoint a registrar, and the person so appointed shall also act as secretary to the branch council, and may also act as treasurer unless such council shall appoint some other person or persons as treasurer or treasurers. The clerk for the time being of the Company shall be the registrar for England and secretary to the General Council. The General Council and the branch councils may also appoint as many clerks and servants as shall be necessary for the purposes of this Act, and every person so appointed by any council shall be removable at the pleasure of that council and shall be paid such salary as the council appointing him shall think fit.

Application and investment of fees, &c.

13. All moneys arising from fees payable on registration or the annual renewal fees or from the sale of copies of the register or otherwise to the General Council or to the branch councils under this Act shall be paid to the Company as treasurers for the General Council and shall be applied in accordance with such regulations as may be from time to time made by the General Council in defraying the expenses of registration and other expenses of the execution of this Act, and subject thereto towards the support of laboratories, museums, libraries, or lectureships, or for public purposes connected with the art of sanitary plumbing or towards the promotion of learning and education in connexion therewith and further:—

(1.) The General Council may allocate such sum or sums of money as shall be proved to their satisfaction to have been expended by the Company in promoting this Act or advanced by the Company by way of loan to any of the Plumbers' district councils which sum or sums are in the opinion of the General

A.D. 1894.

Council reasonable, and may order the same to be paid over to the Company, provided always that nothing in this Act shall be construed to imply any obligation upon the Company to make any payments by which their own corporate funds may become chargeable under this Act.

(2.) The General Council shall have power to invest any sum or sums not so expended in such stocks, funds, or securities as are by law authorised for the investment of trust moneys in the name of any three of their number appointed from time to time as trustees, and any income derived from such investment shall be added to and considered as part of the ordinary income of the General Council.

(3.) The General Council may also use surplus funds for the rental or purchase of lands or buildings to serve as offices, examination halls, libraries, workshops, or technical schools, or for any other purpose connected with the teaching and practice of sanitary plumbing or other objects of this Act.

Accounts to be published.

14. The treasurers of the general and branch councils respectively shall enter in books to be kept for the purpose a true account of all sums of money by them received and paid under this Act, and such accounts shall be audited and submitted by them to the General Council and branch councils respectively at such times as the said councils may respectively require. Such accounts shall be published annually and shall be laid before both Houses of Parliament in the *month of July* in each year if Parliament be then sitting, or if Parliament be not sitting then within *one month* after the commencement of the sitting of Parliament next after the publication of the said accounts.

Registers to be published.

15. The Company shall in every year cause to be printed, published, and sold under the direction of the General Council a correct register of the names in alphabetical order according to the surnames with the respective residences of all the plumbers appearing on the general register as existing on the *first day of January* in every year, and such register shall be called "the Plumbers' Register," and a copy of such register for the time being purporting to be so printed and published as aforesaid shall be evidence in all courts, and before all justices of the peace and others, that the persons therein specified are registered under the provisions of this Act; provided always that in case of any person whose name does not appear in such printed copy a certified copy under the hand of the clerk of the Company or the registrar of any branch council of the entry of the name of such person in the

general or branch register shall be evidence that such person is registered under this Act. A.D. 1894.

Removal of names from register.

16. The General Council may direct that a name be removed from the register in either of the following cases:—

At the request of the person registered; or

Where a name has been incorrectly entered; or

Where a name has been fraudulently entered; or

Where a person registered has *after the passing of this Act* been convicted either within Her Majesty's dominions or elsewhere of an offence which, if committed in England, would be misdemeanor or higher offence; or

Where a person registered is shown to have been guilty of doing anything which, in the opinion of the General Council, is injurious to the public health.

Restoration of names to register.

17. Where the General Council have removed the name of any person from the register, the name of such person shall not be again entered in the register, except by resolution of the General Council, or by an order of a court of competent jurisdiction: Provided that the name of any person removed from the register at the request or with the consent of such person shall, unless such name might under the powers of the last preceding section have been penally removed by the General Council, be restored to the register on payment of such fee not exceeding the original registration fee as the General Council may from time to time fix.

Procedure of General Council in removing or restoring names in register.

18.—(1.) The General Council shall, for the purpose of exercising in any case the power of removing names from or restoring names to the register, ascertain the facts of the case by a committee of the council, and such committee, after hearing the person concerned, if he so desires, shall report the facts of the case to the General Council who shall form their own judgment thereof independently of any opinion of the committee.

(2.) If in any case the General Council determine to remove the name of any person from the register, or not to restore thereto the name of any person, the council shall if required by such person state in writing the reason for their determination, and he may appeal to the Local Government Board in England and Wales, the Local Government Board in Ireland, or the Board of Supervision in Scotland, as the case may be, and such Board after communication with the General Council and the appellant may either dismiss the appeal or order that the council shall not remove the name of the appellant, or shall restore his name as the case may require.

A.D. 1894.

Such Board shall have power to make such regulations as they may think fit regarding the costs of appeals which shall be paid by the appellant or the General Council as such Board may award.

Persons qualified to be registered.

19. From and after the commencement of this Act the following persons shall be entitled to be registered under the provisions hereof:—

(1.) All persons whose names appear upon the register of plumbers kept by the Company at the commencement of this Act; and

(2.) All such persons who have been engaged in business as plumbers prior to the *first day of March one thousand eight hundred and eighty-six* as shall be entitled to be registered without examination under rules to be framed by the General Council; and

Qualifying examination.

(3.) All persons who shall have passed an examination held for the purpose of conferring the right to be registered under this Act by the Company or by any of the bodies to whom the General Council may by order, depute the right of conducting such examination, and who shall have paid such reasonable fees to the General Council as that council may by its byelaws or orders direct.

Penalty for impersonating registered plumber.

20. If after the commencement of this Act any person not registered under this Act shall take or shall use any name, title, addition, or description by means of initials or letters placed after his name, or otherwise state or imply that he is registered under this Act, he shall be liable to a penalty not exceeding *twenty pounds*.

Penalty on wilful falsification of register.

21. Any registrar who shall wilfully make any falsification in any matters relating to general or local registers directed to be kept under this Act, shall be deemed guilty of a misdemeanor in England or Ireland and in Scotland of an offence or crime punishable by fine or imprisonment, and shall, on conviction, be imprisoned for any term not exceeding *twelve months*.

Penalty for obtaining registration by false representations.

22. If any person shall wilfully procure or attempt to procure himself to be registered under this Act, by making or producing any false or fraudulent representation or declaration, either verbally or in writing, every person so offending, and every person aiding and assisting him therein, shall be deemed guilty of a misdemeanor in England and Ireland and in Scotland of an offence or crime punishable by fine or imprisonment, and shall on conviction be imprisoned for any term not exceeding *twelve months*.

A.D. 1894.

Recovery of penalties.

23. Fines and imprisonment under this Act may be recovered and imposed summarily as follows :—

In England, in manner provided by the Summary Jurisdiction Acts.

In Scotland, before the sheriff or two justices in manner provided by the Summary Jurisdiction Acts.

In Ireland, within the police district of Dublin in manner directed by the Acts regulating the powers and duties of the justices or of the police of such district, and elsewhere in Ireland, before two or more justices in manner directed by the Petty Sessions (Ireland) Act, 1851, and any Act amending the same.

Application of penalties.

24. All moneys received from the penalties shall be applied for the purposes of this Act.

Registrars of death to give notice.

25. Every registrar of deaths in the United Kingdom who receives notice of the death of any person registered under this Act shall forthwith transmit by post to the registrar of the General Council the certificate of such death, with particulars of the time and place of death, and on the receipt of such certificate the registrar for the General Council shall erase the name of such deceased person from the general register and shall transmit to the said Registrar of Deaths the costs of such certificate and transmission.

A.D. 1894.

SCHEDULE A.

CITIES, TOWNS, AND DISTRICTS HAVING PLUMBERS' DISTRICT COUNCILS.

England.

Bath.	Leicester.	Plymouth.
Birmingham.	Lincoln.	Preston.
Bradford.	Liverpool.	Scarborough.
Brighton.	Manchester.	Sheffield.
Bristol.	Middlesbrough.	Southampton.
Carlisle.	Newcastle-on-Tyne.	Stockton.
Darlington.	Nottingham.	Sunderland.
Hull.	Penzance.	West Hartlepool.
Leeds.		

Scotland.

Aberdeen.	Edinburgh.	Glasgow.
Dumfries.	Galashiels.	Inverness.
Dundee.		

Ireland.

Belfast.	Dublin.	Londonderry.
Cork.	Limerick.	

Wales.

Cardiff.	Swansea.

SCHEDULE B.

A.D. 1894.

The General Medical Council;
The British Medical Association;
The Society of Medical Officers of Health;
The Society of Municipal and Sanitary Engineers and Surveyors;
The Sanitary Association of Inspectors;
The Sanitary Association of Scotland;
The Royal Institute of British Architects;
The Architectural Association of London;
The Royal Institute of Architects of Ireland;
The Institute of Civil Engineers;
The Institution of Civil Engineers of Ireland;
The Surveyors' Institute;
The City and Guilds of London Institute;
The Normal School of Science, London;
The Merchant Venturers' School, Bristol;
The Masons' College, Birmingham;
The Owens' College, Manchester;
The Manchester Technical School;
The Yorkshire College, Leeds;
The Leeds Mechanics' Institute;
The University College, Liverpool;
The Firth College, Sheffield;
The Sheffield Technical Institute;
The Bradford Technical Institute;
The Royal College of Science for Ireland, Dublin;
The Belfast Technical School;
The Crawford Science School, Cork;
The Durham College of Science, Newcastle-on-Tyne;
The University College, Nottingham;
The Harris Institute, Preston;
The Hartley Institute, Southampton;
The Plymouth Technical Institute;
The University College of South Wales and Monmouth;
The University College of North Wales;
The Glasgow and West of Scotland Technical College, Glasgow;
The Heriott Watt College, Edinburgh;
The Robert Gordon College, Aberdeen;
The University College, Dundee;
The Royal Academy, Inverness;
The Corporation of Dublin Technical School;

A.D. 1894.

The British Institute Public Health;
The Operative Plumbers Association of Scotland;
The Master Plumbers Association at Edinburgh and Leith;
The Operative Plumbers Association at Edinburgh and Leith;
The Master Plumbers Association at Glasgow;
The Operative Plumbers Association at Glasgow;
The Master Plumbers Association at Hull;
The Operative Plumbers Association at Hull;
The Master Plumbers Association at Sheffield;
The Operative Plumbers Association at Sheffield;
The Master Plumbers Association at Bradford;
The Operative Plumbers Association at Bradford;
The Bolton and District Master Plumbers Association;
The Bolton Operative Plumbers Association;
The National Association of Master Builders of Great Britain;
The Liverpool Master Builders Association;
The Sanitary Institute, London.

Plumbers Registration.

A

B I L L

For the National Registration of Plumbers.

(*Prepared and brought in by Mr. Knowles, Sir Algernon Borthwick, Earl Compton, Mr. Dixon, Dr. Farquharson, Mr. Bowen Rowlands, and Mr. Sexton.*)

Ordered, by The House of Commons, *to be Printed*, 16 *March* 1894.

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HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* 2½*d.*]

[Bill 84.]

A

B I L L

FOR

Placing the Police of the Metropolis under the control of the Ratepayers. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. The title of this Act shall be the Metropolitan Police Act, 1894.

Transfer of metropolitan police to London County Council.

2. On the *first day of January one thousand eight hundred and ninety-five* the powers, duties, and liabilities vested in Her Majesty's Principal Secretaries of State, in the Commissioners of Her Majesty's Treasury, in the Commissioners of Her Majesty's Works and Public Buildings, and in the Commissioner of Police for the Metropolis by the Acts set out in the First Schedule to this Act shall be transferred to the London County Council, and, save as is herein-after provided, the London County Council shall have, on and after the said *first day of January*, the sole control and management of the metropolitan police force.

Transfer of officers.

3. All persons employed in or about the execution of the powers and duties transferred by virtue of the provisions of this Act to the London County Council shall, from and after such transfer, be attached to and under the control of the London County Council. The officers so attached shall in other respects hold their offices and places upon the same terms and conditions, and shall have the same powers, privileges, and immunities with respect to the performance of their duties, as if this Act had not passed.

Commissioner, &c. to be appointed by London County Council.

4. Whenever after the *passing of this Act* there shall be a vacancy in the office of commissioner, assistant commissioner, or receiver of the police of the metropolis, it shall be filled by the London County Council, who shall have power to fix the salary

A.D. 1894.

and the duties of such office, any enactments to the contrary notwithstanding.

Accounts.

5. From and after the *thirty-first day of March one thousand eight hundred and ninety-five* the accounts of the metropolitan police force shall no longer be laid before Parliament in obedience to the enactments set out in the Second Schedule to this Act, and the said enactments are hereby repealed.

County Council may act by a committee.

6. The London County Council may by resolution delegate all or any of the powers conferred upon it by this Act to a committee.

Protection of public buildings.

7. Notwithstanding the provisions of any Act passed in the present session of Parliament for enabling one of Her Majesty's Secretaries of State to establish and control a police force for the protection of public buildings and of Her Majesty's dockyards and for other purposes specified in the said Act, and to pay for the same out of moneys to be provided for that purpose by Parliament, it shall be lawful for the Commissioner of Police for the time being to employ and authorise to act in the protection of public buildings, and in such other ways and for such other purposes as the orders and regulations herein-after mentioned shall specify, such number of constables belonging to the metropolitan police force as the Secretary of State for the Home Department shall from time to time direct, and the said Secretary of State may from time to time frame such special orders and regulations in relation to the duties of the constables so employed, either in addition to or in substitution for any of the orders and regulations for the time being applicable to the metropolitan police force, as he may deem expedient. *The charges and expenses which may be incurred by and in consequence of the employment of constables under the provisions of this section, and the pay of such constables while so employed, and a fair and reasonable proportionate part of the expenses of the general superintendence of the police, and of any deficiency which there may at any time happen to be in the Metropolitan Police Superannuation Fund, and all other charges and expenses for carrying this section into execution, shall be paid out of such moneys as may be provided by Parliament for this purpose.*

Provision respecting county of Middlesex.

8. If the Middlesex County Council shall, within six months of the *passing of this Act*, determine that a separate police force for the county of Middlesex ought to be established, the standing joint committee of the said county shall thereupon immediately proceed to establish a sufficient police force for the said county, and for that purpose shall declare the number of constables they propose should be appointed and the rates of pay which it would be expedient to

A.D. 1894.

pay to the chief and other constables, and shall forthwith report their proceedings to one of Her Majesty's Principal Secretaries of State; and upon the receipt from the Secretary of State of such rules as are mentioned in section three of the County Police Act, 1839, all the provisions of the said Act, and of any Acts amending or altering the same, shall take effect and be applicable to the said county and the said joint standing committee, in like manner as by the said Acts provided, upon the adoption of such Acts for any county by the justices thereof and the receipt of such rules as aforesaid from the Secretary of State. The said joint standing committee shall, unless some date be agreed upon between it and the London County Council, give three months notice in writing of the date upon which their police force will be established, and on and from the date so agreed upon or notified the said joint standing committee shall be responsible for and have the sole control and management of the police force for the county of Middlesex.

2 & 3 Vict. c. 93. s. 3.

Provision respecting Croydon and West Ham.

9. If the town council of the borough of Croydon, or the town council of the borough of West Ham, within six months of the *passing of this Act* shall determine that a separate police force ought to be established for their borough, it shall at once proceed to the election of a watch committee in accordance with the provisions of the Municipal Corporations Act, 1882, and all the provisions of the said Act shall thereupon take effect and be applicable to the said borough. The watch committee so appointed shall, unless some date be agreed upon between it and the London County Council, give three months notice in writing of the date upon which its police force will be established, and on and from the date so agreed upon or notified the said watch committee shall be responsible for and have the sole control and management of the police force of their borough.

Provision with respect to counties included in present metropolitan police district.

10. The London County Council shall, within six months of the *passing of this Act*, by notice in writing call upon each of the joint standing committees of all counties, except Middlesex, in which rates for the maintenance of the metropolitan police force are then levied to take into its management and control the portions of such counties then forming part of the metropolitan police district, but outside the area of the administrative county of London. The London County Council shall, unless some date be agreed on between it and each of the said joint standing committees, give three months notice in writing of the date when they propose such districts shall be transferred, and on and from the dates so agreed

A.D. 1894.

upon or notified each of the said joint standing committees shall be responsible for and have sole control of the police force for the said portions of the said counties.

Transfer of constables.

11. Subject to any arrangements which may be agreed upon between the London County Council and each of the said joint standing committees or watch committees, all constables of the metropolitan police force who on the dates of establishment or transfer as aforesaid are stationed within the area of any of the said counties or boroughs shall on and from such dates become members of the police force of the county or borough within whose area they are stationed, provided that such arrangements as aforesaid shall not lessen the status, pay, or rights of any constables so transferred; and provided also that all constables so transferred shall hold their appointments upon the same terms and conditions as if this Act had not passed, and while performing the same duties shall receive not less salaries or remuneration, and be entitled to not less pensions, than they would have if this Act had not passed.

Superannuation Fund.

12. The areas which under the provisions of this Act cease to be part of the metropolitan police district shall contribute towards the annual deficiency in the Metropolitan Police Superannuation Fund (until such deficiency shall cease to exist) in the proportion which the rateable value of each of the said areas bore to the whole of the rateable value of the metropolitan police district on an average of the *seven years* previous to the *passing of this Act*, and such proportionate sum shall be levied and paid as though it were a police rate levied and paid under the provisions of the Metropolitan Police Acts.

Transfer of property.

13. All property of the metropolitan police force within the area of the said counties and boroughs shall, on the dates of establishment or transfer as aforesaid, be transferred by the receiver of the metropolitan police force to the treasurers of such counties or boroughs at the first cost thereof, after deducting therefrom a sum in the same proportion to the total thereof as the rateable value of the said county or borough bore on the average of the seven years previous to the passing of this Act to the rateable value of the whole of the metropolitan police district.

Arbitration.

14. If any dispute shall arise between the London County Council and any joint standing committee or watch committee in reference to anything arising out of or connected with the said establishments or transfers, the same shall be referred to the arbitration of some person to be agreed upon between them, or in default thereof to be

named by the Secretary of State for the Home Department, whose award in writing shall be final and conclusive. A.D. 1894.

15. From and after the dates of such establishments or transfers as aforesaid, the metropolitan police rate shall cease to be levied in any such county, part of county, or borough, provided that up to the said dates the metropolitan police rate shall be levied as heretofore. Police rate.

FIRST SCHEDULE.

10 Geo. 4. c. 44.
2 & 3 Vict. c. 47.
19 & 20 Vict. c. 2.
23 & 24 Vict. c. 135.
24 & 25 Vict. c. 51.
24 & 25 Vict. c. 124.
31 & 32 Vict. c. 67.
38 & 39 Vict. c. 28.
47 & 48 Vict. c. 17.
48 & 49 Vict. c. 68.
50 & 51 Vict. c. 45.

SECOND SCHEDULE.

10 Geo. 4. c. 44. s. 29.
2 & 3 Vict. c. 47. s. 9.
30 & 31 Vict. c. 39. s. 1.

Police (Metropolis).

A

B I L L

For placing the Police of the Metropolis under the control of the Ratepayers.

(*Prepared and brought in by Mr. James Rowlands, Mr. Cremer, Mr. Howell, Mr. James Stuart, Mr. Pickersgill, and Mr. Naoroji.*)

Ordered, by The House of Commons, *to be Printed*, 16 *March* 1894.

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[*Price* 1*d.*]

[Bill 78.]

A

B I L L

TO

Enable police constables to cause horses and certain other animals when mortally or seriously injured to be slaughtered. A.D. 1894.

WHEREAS needless prolongation of the suffering of horses, mules, and asses, which have sustained mortal or severe injury, is caused by the absence of any provision for the slaughter of such animals without the consent of their owners, and it is expedient that powers should be conferred on police constables and officers to slaughter such injured animals or to cause them to be slaughtered:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as the Police (Slaughter of Injured Animals) Act, 1894. Short title.

2. Any constable or officer of any police force shall, on finding any horse, mule, or ass severely injured, or on receiving information that any such animal is so injured, at once obtain the opinion of the nearest duly registered veterinary surgeon, and where any such animal shall appear by the certificate of such duly registered veterinary surgeon to be mortally injured, or to be injured so severely that it cannot, in the opinion of such surgeon, so recover as to be fit for the service of man, it shall be lawful for any constable or officer of any police force to slaughter such animal or cause it to be slaughtered with such instruments or appliances, and with such precautions and in such manner as may be requisite to secure the infliction of as little pain and suffering as practicable, without the consent of the owner of the animal. Slaughter of injured animals by or by order of police.

3. Any expense which may be incurred by any constable or officer in so slaughtering any such animal or causing any such Expenses.

A.D. 1894

animal to be slaughtered, or in removing the carcase of such animal from any street or public place for the purposes of this Act, may be recovered from the owner of such animal by such constable or officer, or such other officer of the same police force as the police authority may direct, but any expense incurred in procuring the certificate of any duly registered veterinary surgeon shall be chargeable on the rates of the parish where such animal is found.

Police (Slaughter of Injured Animals).

A

B I L L

To enable police constables to cause horses and certain other animals when mortally or seriously injured to be slaughtered.

(*Prepared and brought in by Mr. Banbury, Colonel Lockwood, Mr. John Burns, and Mr. Tritton.*)

Ordered, by The House of Commons, *to be Printed,* 1 *May* 1894.

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[Bill 208.]

Political Offices Pension Act (1869) Repeal Bill.

MEMORANDUM.

Under the provisions of the Act, 1869 (32 & 33 Vict. c. 60.), power is given to Her Majesty, if she shall think fit, by warrants under Her Royal Sign Manual, countersigned by any two or more Commissioners of the Treasury, to grant to persons having held high civil office pensions for life not exceeding 2,000*l.* a year, in proportion to the class of the office held (described as first, second, and third in the Act) and to the length of service.

Section 6 of 4 & 5 Wm. 4. c. 24. is, however, to apply to all such cases, which enacts that any person seeking to obtain any such pension shall send not only a statement of his services in writing to the Treasury, and the grounds on which such pension is claimed, but a specific declaration that the amount of his income from other sources is so limited as to bring him within the intent and meaning of that Act (4 & 5 Wm. 4. c. 24.), namely, of the inadequacy of his private fortune to maintain his station in life.

In order to take away the power to grant such pensions in future, without consulting Parliament, the present Bill proposes to repeal the Act of 1869, except so far as relates to anything already done under its powers.

The effect would be that no pension could in future be granted without an application to Parliament in each case.

A

B I L L

TO

Repeal the Political Offices Pension Act, 1869. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same:

Short title.

1. This Act may be cited as the Political Offices Pension Act, 1869, Repeal Act, 1894.

Repeal of Act.

2. The Political Offices Pension Act, 1869, is hereby repealed as from the *passing of this Act*.

Saving.

3. Any pension granted before the *passing of this Act* shall have the same force, and be subject to the same conditions, as if this Act had not been passed, except that *after the passing of this Act* every person entitled to such a pension shall be required to make the declaration referred to in the sixth section of the Act of four and five William the Fourth, chapter twenty-four, on every occasion when receiving payment quarterly or otherwise, and the further declaration that by the terms "the inadequacy of his private fortune to maintain his station in life" he means that the amount of his income from all sources does not exceed the sum of *four hundred pounds* per annum.

Political Offices Pension Act (1869) Repeal.

A

B I L L

To repeal the Political Offices Pension Act, 1869.

(*Prepared and brought in by Mr. Alpheus Morton, Mr. Wm. Allan, Mr. Labouchere, Mr. Lambert, Mr. Molloy, and Mr. Stewart Wallace.*)

Ordered, by The House of Commons, *to be Printed,* 25 *May* 1894.

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[*Price* 1*d.*]

[Bill 249.]

A

B I L L

TO

Exempt certain Persons from the Liability of maintaining Relations who become chargeable to the Public Funds. A.D. 1894.

WHEREAS it is expedient to amend the Poor Relief Act, 1601, section seven, as amended or altered by the Poor Relief Act, 1819, section twenty-six, and the Poor Law Amendment Act, 1834, section fifty-six.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Orders not to be made upon persons whose income does not exceed a certain sum.

1. From and after the *passing of this Act* no person whose total income from all sources is less than *twenty shillings* per week shall be ordered by the justices to contribute to the relief of any relation other than a child.

The defendant and the husband or wife of the defendant competent and compellable to give evidence.

2. Upon the hearing of any case, and in any proceedings under the herein-before recited Acts and sections, the defendant or his or her husband or wife shall be competent and compellable to give evidence concerning the income of such defendant.

This Act incorporated with previous Acts.

3. This Act shall be read and construed jointly with the Poor Relief Act, 1601, the Poor Relief Act, 1819, and the Poor Law Amendment Act, 1834, and as if this Act were incorporated with and formed part of each of the said Acts.

Not to apply to Scotland or Ireland.

4. This Act shall not apply to Scotland or Ireland.

Short title.

5. This Act may be cited as the Poor Law Amendment Act, 1894.

[Bill 172.]

Poor Law Amendment.

A

B I L L

To exempt certain Persons from the Liability of maintaining Relations who become chargeable to the Public Funds.

(*Prepared and brought in by Mr. Lambert, Mr. Cobb, Mr. Halley Stewart, Mr. Billson, and Mr. Luttrell.*)

Ordered, by The House of Commons, *to be Printed*, 17 *April* 1894.

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[Bill 172.]

A

B I L L

TO

Enable Women to be elected and act as Poor Law Guardians in Ireland.

A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Women to be eligible as poor law guardians.

1. Any female person having the qualifications which make male persons eligible to be guardians of the poor in Ireland, shall be eligible to be elected and to act as such guardians of the poor in Ireland, notwithstanding anything contained in the Acts for the relief of the destitute poor in Ireland or in any Act altering or amending the same, or in any other Acts, to the contrary.

Short title.

2. This Act may be cited as the Poor Law Guardians (Ireland) (Women) Act, 1894.

[Bill 241.]

Poor Law Guardians (Ireland) (Women).

A

B I L L

To enable Women to be elected and act as Poor Law Guardians in Ireland.

(*Prepared and brought in by Mr. T. W. Russell, Sir Thos. Lea, and Mr. William Johnston.*)

Ordered, by The House of Commons, *to be Printed*, 22 *May* 1894.

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[Bill 241.]

A

B I L L

TO

Make better provision for the Superannuation of the Officers of Poor Law Unions in Ireland. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title.

1. This Act may be cited as the Poor Law Union Officers (Ireland) Superannuation Act, 1894.

Power to grant superannuation.

2. From and after the *passing of this Act*, the board of guardians of every union in Ireland shall, with the sanction of the Local Government Board for Ireland (in this Act called "the Local Government Board"), grant to any union officer belonging to that union who shall become incapable of discharging the duties of his office with efficiency, by reason of permanent infirmity of mind or body, or of old age, upon his resigning or otherwise ceasing to hold his office, a superannuation allowance, according to the following scale, that is to say :

Rate of superannuation allowance.

To any officer who shall have served in some one or more unions in Ireland for *ten years* and upwards, and under *eleven years*, an annual allowance of *ten-sixtieths* of the annual salary and emoluments of his office :

For *eleven years* and under *twelve years*, an annual allowance of *eleven-sixtieths* of such salary and emoluments :

And in like manner a further addition to the annual allowance, of *one-sixtieth* of such annual salary and emoluments in respect of each additional year of such service, until the completion of a period of service of *forty years*, when an annual allowance of *forty-sixtieths* shall be granted, and no addition shall be made in respect of any service beyond *forty years* :

Age and period of service.

No officer shall be entitled to such allowance on the ground of age who shall not have completed the full age of *sixty years*, and

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shall not have served as a union officer in some one or more unions in Ireland for *twenty years*. But, nevertheless, the board of guardians under which the medical officer shall have last served may declare that the special circumstances of the case justify the grant of a superannuation allowance after a shorter period of service than *twenty years*, and, provided that the Local Government Board for Ireland shall sanction such special grant, such allowance may be made.

Average calculations.

For the purposes of this section the annual salary and emoluments of a union officer shall be calculated on the average of the *three years* ending with the quarter-day next before he ceases to hold his office.

Power to grant gratuities in cases of short service.

3. The board of guardians of any union, with the sanction of the Local Government Board, shall grant to any person, being the holder of a union office in the union in respect of which a superannuation allowance might be granted under this Act, who, before the completion of the period which would have entitled him to a superannuation allowance, is compelled to quit the service of the union by reason of severe bodily injury occasioned, without his own default, or by reason of the abolition of his office in consequence of the amalgamation of the union in which he served with any other union, a gratuity not exceeding *three months* pay for every *two years* service, or a superannuation allowance not exceeding *ten-sixtieths* of the annual salary and emoluments of his office; and may, if they think fit, with the like sanction, grant to any such holder of a union office who is compelled from infirmity of mind or body to leave the union service before the completion of the period which would have entitled him to a superannuation allowance, such sum of money as the board may think proper, but so that no such gratuity shall exceed the amount of *one month's* pay for each year of service.

Notice to be given prior to grant of superannuation.

4. No grant of a superannuation allowance or gratuity under this Act shall be made without *one month's* notice, to be specially given in writing to every guardian of the union, of the proposal to make such grant, and the time when it will be brought forward.

Superannuation not to be liable to debts or other liabilities.

5. Every superannuation allowance or gratuity granted under this Act shall be payable to or in trust for the union officer, and shall not be assignable nor chargeable with his debts or other liabilities.

Holders of a superannuation allowance subse-

6. In case any person enjoying any superannuation allowance under this Act is appointed to be a union officer in any union, every such allowance shall cease to be paid so long as he continues to

hold such appointment, if the annual amount of the profits of the office to which he is appointed are equal to those of the office formerly held by him, and in case they are not equal to those of his former office, then no more of such superannuation allowance shall be paid him than with the salary of his new appointment shall be equal to that of his former office.

quently appointed to an office in any union.

7. The Local Government Board may, from time to time, by order declare that for the due and efficient discharge of the duties of any union office or class of offices to be specified in such order, professional or other peculiar qualifications are required; and that it is for the interest of the public that persons should be appointed thereto at an age exceeding that at which public service ordinarily begins; and may, by the same or any other order, direct that when any person holding any such office shall retire from the union service, a number of years not exceeding *ten*, to be specified in the order, shall, in computing the amount of superannuation allowance which may be granted to him under this Act, be added to the number of years during which he may have actually served in the aggregate, and it shall be lawful for any union officer to whom this section applies, to retire on the completion of *thirty years* service in one or more unions, provided he gives *one month's* notice in writing of such intention to the board of guardians of the union within which he holds office.

Local Government Board in computing amount of superannuation may add a number of years.

8. All allowances and gratuities payable under this Act shall be advanced from time to time by the board of guardians of the union in which the officer was serving at the time of his ceasing to be a union officer, and shall be repaid to the board of guardians out of the union officers superannuation fund.

Allowances, &c., advanced by boards of guardians.

For the purpose of providing for such repayments the following enactments shall take effect:

Repayment of allowances.

(1.) On or as soon as conveniently may be after the *first day of January* in every year after the passing of this Act, the Local Government Board shall estimate what sum will be necessary for the purposes of this Act during the year.

Local Government Board to estimate the sum necessary.

In making the first of such estimates under this Act, the Local Government Board shall estimate what sum will be necessary for the purposes of this Act during the whole of the period between the *passing of this Act* and the *first day of January* next following the making of the estimate.

The Local Government Board shall in each year, by order under their seal, assess that sum on the several unions in proportion to the net annual value of the property therein. They

Assessment of the required sum on the several unions.

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shall send copies of the order to the guardians and to the treasurer of each union.

Payment of the assessment into the Bank of Ireland.

(2.) Thereupon the treasurer shall, if he has then in his hands to the credit of the guardians sufficient funds, pay the amount so assessed into the Bank of Ireland, and if he has in his hands to the credit of the guardians funds not sufficient for payment in full of the amount so assessed, he shall pay into the Bank of Ireland such balance as he may have in his hands in reduction of the amount so assessed; and in such case, or if he has no funds in his hands to the credit of the guardians, then he shall out of all moneys subsequently received by him on account of the guardians pay the amount assessed into the Bank of Ireland. Moneys paid into the Bank of Ireland under this Act shall be placed to the credit of the Local Government Board, to the account of a fund which shall be called the Union Officers Superannuation Fund.

Power to apportion the assessment upon the electoral divisions.

The guardians of each union shall debit the several electoral divisions with proportions of the sum assessed upon the union, according to the net annual value of the property in each division.

Boards of guardians to furnish an account to the Local Government Board.

(3.) On the *twenty-fifth day of March one thousand eight hundred and ninety-five*, and on every *twenty-ninth day of September* and *twenty-fifth day of March* following, the guardians of each union shall furnish to the Local Government Board accounts of the moneys expended by them for superannuation allowances and gratuities payable under this Act since the date of the last preceding account, or, in the case of the accounts furnished on the *twenty-fifth day of March one thousand eight hundred and ninety-five*, since the date of the *passing of this Act;* and the Local Government Board shall pay to the treasurer of the union, out of the union officers superannuation fund, the amount mentioned in the account furnished by the board of guardians of the union when such amount has been found to be correct.

Power to Local Government Board to decide any question as to amount and value of emoluments.

9. If any question arises between a board of guardians and a union officer respecting the amount or value of emoluments of the office of such officer, or the correctness of the calculation on which his superannuation allowance or gratuity has been computed, or if, without such question having arisen, the Local Government Board thinks it desirable to do so, the Local Government Board may, either before or after a superannuation allowance or gratuity has been granted to such officer under this Act, inquire and decide as to the amount and value of the emoluments of his office, and as to

the sum which may lawfully be granted to him by way of superannuation allowance or gratuity; and the decision of the Local Government Board as to such amount shall be conclusive.

Definition of the term "union officer."

10. In this Act the term "union officer" includes every person appointed by the board of guardians of any union to be a permanent officer of the union under the provisions of the thirty-first section of the Act of the session of Parliament of the first and second years of the reign of Her present Majesty, chapter fifty-six, and the fourth section of the Act of the session of Parliament of the tenth year of the reign of Her present Majesty, chapter thirty-one, whether such officer is paid by wages, poundage, or per-centage on collection of rates, or by a salary; and also every chaplain of a union, and every medical or surgical officer or compounder of medicine of a union, or of any dispensary district therein; and every person appointed or constituted as sanitary officer under the eleventh section of the Public Health (Ireland) Act, 1878, or clerk or other officer to the burial board of any district where such burial board is a board of guardians, or clerk or other officer to the local authority acting in execution of the Contagious Diseases (Animals) Act, 1878, where such person has been so appointed by a board of guardians, or holds his office as a sanitary officer or clerk of the burial board or clerk or other officer of the said local authority by virtue of any other office to which he has been appointed by a board of guardians; and also the registrar of births, deaths, and marriages, and assistant registrar, when such officer is a union officer, and the superintendent registrar, being also the clerk of the union, or other union officer.

Definition of the term "emoluments."

The term "emoluments" includes all fees, poundage, and other payments made to a union officer for his own use, as such union officer, out of poor rate or sanitary rate or money voted by Parliament; and also the money value of rations, apartments, and other remuneration appertaining to the office held by such union officer, estimated according to such scale or in such form as the Local Government Board shall prescribe.

Acts repealed.

11. The Acts specified in the schedule to this Act are hereby repealed, so far as they relate to the superannuation of any officer who retires from his office after the *passing of this Act.*

This repeal shall not affect the powers of the board of guardians of any union with reference to the granting of a superannuation allowance under any of the said Acts to an officer who has retired from his office before the *passing of this Act;* nor anything duly done or suffered, nor any right or liability acquired, accrued, or

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incurred, under any enactment hereby repealed; and shall not relieve the board of guardians of any union from the obligation to pay any superannuation allowance granted by them under any of the said Acts.

SCHEDULE (referred to in Section 11).

Session and Chapter.	Title or Short Title.
28 & 29 Vict. c. 26.	An Act to provide for superannuation allowances to officers of unions in Ireland.
32 & 33 Vict. c. 50.	The Medical Officers Superannuation Act (Ireland), 1869.
35 & 36 Vict. c. 89.	An Act to amend the Act providing superannuation allowances to officers of unions in Ireland.

Poor Law Union Officers (Ireland) Superannuation.

A

B I L L

To make better provision for the Superannuation of the Officers of Poor Law Unions in Ireland.

(*Prepared and brought in by Mr. T. W. Russell, Mr. Connor, Mr. Justin M'Carthy, Mr. John Redmond, and Mr. Robert Farquharson.*)

Ordered, by The House of Commons, *to be Printed,* 22 *May* 1894.

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[Bill 240.]

Prevention of Cruelty to Children Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Limit of age raised in case of boys to sixteen years.
2. Application of principal Act in case of assault or death of a child.
3. Explanation of principal Act as to neglect.
4. Power as to habitual drunkards.
5. Amendments as to punishments.
6. Extension and amendment of section 3 of the principal Act.
7. Amendment of section 4 of the principal Act.
8. Amendment of section 5 of the principal Act.
9. Restriction of power to emigrate child.
10. Interchange of powers under Industrial Schools Act and principal Act.
11. Amendment of section 6 of the principal Act.
12. Extension of provisions of principal Act to other offences.
13. Mode of charging offences and limitation of time.
14. Wife or husband to be compellable witness.
15. Provision as to evidence of child unable to attend.
16. Provision as to step-parent, &c.
17. Definition of "custody, charge, and care."
18. Definitions.
19. Short title and construction.

A

B I L L

TO

Amend the Law for the Prevention of Cruelty to Children.

A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Limit of age raised in case of boys to 16 years. 52 & 53 Vict. c. 44.

1. Sections one and five of the Prevention of Cruelty to and Protection of Children Act, 1889 (herein-after called the principal Act), shall apply in the case of boys under the age of *sixteen years* in the same manner as they apply in the case of boys under the age of fourteen years, and *sixteen* years shall in those sections with reference to the age of a boy, be accordingly substituted for fourteen years.

Application of s. 1 of the principal Act in case of assault or death of a child.

2.—(1.) The principal Act shall be amended by the addition throughout that Act of the word "assaults" before the word "ill-treats," and "assaulted" before "ill-treated," and "assault" before "ill-treatment."

(2.) A person may be convicted either by a court of summary jurisdiction or on indictment of an offence under section one of the principal Act, notwithstanding the death of the child in respect of whom the offence was committed.

(3.) If upon the trial of any person for murder or manslaughter the jury are satisfied that the defendant is guilty of an offence under section one of the principal Act, but are not satisfied that the defendant is guilty of the murder or manslaughter with which he is charged, the jury may acquit the defendant of the murder or manslaughter, and may find him guilty of an offence under section one of the principal Act, and the defendant on being so convicted shall be liable to be punished as if he had been convicted of that offence on an indictment for the same.

Explanation of principal Act as to neglect.

3. The principal Act shall apply in the case of a parent who being without means to maintain a child fails to provide for its

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maintenance under the Acts relating to the relief of the poor, in like manner as if he had otherwise neglected the child.

Power as to habitual drunkards.

4.—(1.) Where it appears to the court by or before which any person is convicted of an offence under section one of the principal Act that that person is a parent of the child in respect of whom the offence was committed, or is living with the parent of the child, and is an habitual drunkard within the meaning of the Inebriates Acts, 1879 and 1888, the court, in lieu of sentencing such person to any punishment under that section, may, if it thinks fit, make an order for his detention for any period named in the order not exceeding *twelve months* in a retreat under the said Acts, the licensee of which is willing to receive him, and the said order shall have the like effect, and copies thereof shall be sent to the local authority and Secretary of State in like manner as if it were an application duly made by such person and duly attested by two justices under the said Acts; and the court may order an officer of the court or constable to remove such person to the retreat, and on his reception the said Acts shall have effect as if he had been admitted in pursuance of an application so made and attested as aforesaid: Provided that if the wife or husband of such person being present at the hearing of the charge, objects to an order being made under this section, the court shall, before making the order, take into consideration any representation made to it by the wife or husband.

42 & 43 Vict. c. 19.
51 & 52 Vict. c. 19.

(2.) The Local Government Board may make arrangements for the reception in any workhouses or asylums, provided under any of the Acts relating to the relief of the poor, of persons able in pursuance of this section to be detained in a retreat, and the Inebriates Acts, 1879 and 1888, and this Act shall, with such modifications as the Local Government Board may by order prescribe, apply to every workhouse or asylum specified in that behalf by order of the said Board, as if it were a retreat under those Acts.

Amendments as to punishments.

5.—(1.) *Six months* shall be substituted for three months in section one of the principal Act as the term of imprisonment to which a person shall be liable as provided in that section on conviction by a court of summary jurisdiction.

(2.) The court in any case in which they have power to increase a fine on any person under section two of the principal Act shall have power to sentence that person to penal servitude for any term not exceeding *five years*, but any sentence so given shall be in substitution for and not in addition to any penalty which may be awarded under section one or section two of the said Act.

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(3.) Section two of the principal Act shall be amended by the substitution of the word "indicted" for the words "convicted on indictment;" and the words in that section from "such interest as aforesaid" to the end of the section are hereby repealed.

(4.) A person shall be deemed to be interested in a sum of money under section two of the principal Act if he has any share in or any benefit from the payment of that money, though he is not a person to whom it is legally payable.

Extension and amendment of s. 3 of principal Act.

6.—(1.) If any person having the custody, charge, or care of a child allows that child to be in any street, premises, or place for any purpose which in reference to the street, premises, or place is forbidden by section three of the principal Act as amended by this Act, that person shall be liable to the like penalties as a person who causes a child so to be in any street, premises, or place, and the provisions of that section, both as to the penalties and as to the byelaws of the local authority and as to a licence under that section, shall apply accordingly.

(2.) The hours of *nine* p.m. and *six* a.m. shall be substituted in paragraph (*b*) of section three of the principal Act for the hours of ten p.m. and five a.m. respectively.

(3.) If any person causes or procures any child, or, having the custody, charge, or care of any child, allows that child to be in any place for the purpose of being trained as an acrobat, contortionist, or circus performer, or for any exhibition or performance which in its nature is dangerous, that person shall, unless he has a licence under section three of the principal Act, be liable to the same penalties as are provided by that section for the offences therein mentioned, and the provisions of that section, both as to the granting of a licence and as to the penalties, shall apply accordingly.

(4.) Where any person applies for a licence under section three of the principal Act he shall, at least *seven* days before making the application, give notice thereof to the chief officer of police for the district in which the licence is to take effect, and that officer may appear or instruct some person to appear before the authority hearing the application, and show cause why the licence should not be granted, and the authority to whom the application is made shall not grant the same unless they are satisfied that notice has been properly given under this section.

(5.) Where a licence is granted under section three of the principal Act to any person, that person shall, not less than *ten* days after the granting of the licence, cause a copy thereof to be sent to the inspector of factories and workshops acting for the district in which the licence is to take effect, and if he fails to

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cause such copy to be sent, shall be liable on summary conviction to a fine not exceeding *five pounds*.

(6.) Section three of the principal Act shall not apply in the case of any occasional sale or entertainment the net proceeds of which are wholly applied for the benefit of any school or to any charitable object.

(7.) Sub-section (*a*) of section three of the principal Act shall be amended by the substitution of the word "place" for "street."

Amendment of s. 4 of the principal Act.

7.—(1.) Any constable may take into custody without warrant any person who has committed or who he has reason to believe has committed any offence under section one of the principal Act, if the name and address of that person is unknown to and cannot be ascertained by the constable, and the provisions of section four of the principal Act as to the release on bail of persons arrested without a warrant under that section shall apply to persons arrested without a warrant under this section.

(2.) Any constable may take any child, in respect of whom there is reason to believe that an offence under section one of the principal Act has been committed, to a place of safety, and a child so taken to a place of safety, and also any child who seeks refuge in a place of safety, may be there detained until the child can be brought before a court of summary jurisdiction.

(3.) Where it appears to a court of summary jurisdiction or any justice that an offence under section one of the principal Act has been committed in the case of any child that is brought before them and that the health or safety of the child will be endangered unless an order is made under this section, the court or justice may, without prejudice to any power under the principal Act, make such order as circumstances require for the care and detention of the child until a reasonable time has elapsed for a charge to be made against some person for having committed the offence, and until some person has been committed for trial or dealt with by a court of summary jurisdiction, or the charge against him has been dismissed, and an order under this section may be carried out notwithstanding that any person claims the custody of the child.

(4.) Where the place of safety to which a constable shall take a child is a workhouse, the master shall receive such child into the workhouse if there is suitable accommodation therein for the same, and shall detain such child until the case is determined, and any expenses incurred in respect of such child shall be deemed to be expenses incurred in the relief of the poor.

Amendment of s. 5 of the principal Act.

8.—(1.) An order under section five of the principal Act for the committal of a child to the custody of a relation or other person

named by the court as therein provided may be made either in manner provided by that section or by the court before whom a person has been convicted, committed for trial, or bound over to keep the peace as mentioned in that section, and that court, if it thinks fit, may make the order at the time when such person is so dealt with, and without requiring new proceedings to be instituted for the purpose of the order.

(2.) Any such order, and also any subsequent order renewing, varying, or revoking the same, shall be in writing and may be made by the court in the absence of the child; and the consent of any person to undertake the custody of a child in pursuance of an order shall he signified either by the verbal statement of a solicitor or other person applying for the order, or in writing.

(3.) The said section shall have effect where a parent of the child has been convicted of or committed for trial for the offence, in like manner as where such parent is under committal for trial for having been, or has proved to have been party or privy to the offence.

(4.) An order on the parent of a child to contribute to its maintenance may be made under sub-section two of the said section either at the time when the order for its committal to the custody of any person is made, or subsequently; and if a person fails to, or has failed to pay any sum payable by him in pursuance of an order under that sub-section, he may be dealt with in like manner as if the sum were due from him in pursuance of an order under the Bastardy Law Amendment Act, 1872. 35 & 36 Vict. c. 65.

(5.) An order on the parent of a child to contribute to its maintenance may be made under sub-section two of the said section, either as therein provided, or as in the opinion of the court the circumstances of the parent, on whom the order is made, may admit and require.

(6.) The provisions of section five of the principal Act shall apply in the case of a person who gives such undertaking as seems to the court sufficient that the child shall be committed to the charge of a person or persons of its own religious persuasion in the same manner as they apply in the case of a person who is of the same religious persuasion as the child, but only so long as the undertaking is observed.

Restriction on power to emigrate child.

9. A Secretary of State, in any case where it appears to him to be for the benefit of a child who has been committed to the custody of any person under section five of the principal Act, may empower such person to procure the emigration of the child, but, except with such authority, no person to whose custody a child is so committed shall procure its emigration.

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Interchange of powers under Industrial Schools Acts and principal Act.

10.—(1.) Where a child is brought before a petty sessional court under circumstances authorising the court to deal with the child under the Industrial Schools Acts, the court, if it thinks fit, in lieu of ordering the child to be sent to an industrial school, may make an order under section five of the principal Act for the committal of the child to the care of a relation or person named by the court as therein provided.

(2.) Where a court has power under the principal Act or this Act to commit a child to the custody of any relation or person named by the court until it attains the age of sixteen years, or where a child is brought before a court having been found being in any street, premises, or place for a purpose forbidden by section three of the principal Act as amended by this Act, whether or not any person is charged with an offence under that section in respect of the child, the court may, if it thinks fit, deal with the child under the Industrial Schools Acts in like manner as if it had been found wandering and not having any proper guardianship.

(3.) Where, in pursuance of the Industrial Schools Acts or this Act, a court orders a child to be sent to an industrial school, the order may, at the discretion of the court, be made to take effect either immediately or at any later time specified therein, regard being had to the age of or health of the child; and, if the order is not made to take effect immediately, or if at the time specified for the order to take effect the child is deemed unfit to be sent to an industrial school the court may commit the child to the custody of a relation or person named by the court, as provided by section five of the principal Act until the time so specified or the time when the order actually takes effect.

Amendment of s. 6 of the principal Act.

11.—(1.) The power of issuing a warrant under section six of the principal Act may be exercised by any justice in the same manner as under that section that power may be exercised by a stipendiary magistrate or any two justices of the peace, and the words "if upon the information it appears to him to be a case of urgency" are hereby repealed.

(2.) It shall not be necessary in any information or warrant under section six of the principal Act to name any particular child.

(3.) A warrant issued under section six of the principal Act may authorise any person named in the warrant to remove a child, with or without search, to a place of safety, and detain it there until it can be brought before a court of summary jurisdiction, and the provisions of that section shall apply in the case of any such warrant as they apply in the case of a warrant to search for a child and take it to and detain it in a place of safety.

Extension of provisions of principal Act to other offences. 24 & 25 Vict. c. 100. 42 & 43 Vict. c. 34.

12. The provisions of the principal Act and this Act shall apply in the case of any offence against a child under the twenty-seventh, forty-third, or fifty-sixth section of the Offences against the Person Act, 1861, or in the case of any offence under the Children's Dangerous Performances Act, 1879, or in the case of any other offence involving bodily injury to a child, in the same manner as they apply in the case of an offence against section one of the principal Act, and a reference to the said offences shall be included in any reference to an offence against section one of the principal Act.

Mode of charging offences and limitation of time.

13.—(1.) Where a person is charged with committing an offence under the principal Act or this Act in respect of two or more children, the same information, summons, or indictment may charge the offence in respect of all or any of them, but the person charged shall not be liable to a separate penalty for each child unless upon separate informations.

(2.) The same information, summons, or indictment may also charge the offences of assault, ill-treatment, neglect, abandonment, or exposure, together or separately, but when charged together the person charged shall not be liable to a separate penalty for each.

(3.) A person shall not be summarily convicted under the principal Act or this Act of an offence unless the offence was wholly or partly committed within *six months* before the information was laid; but, subject as aforesaid, evidence may be taken of acts constituting, or contributing to constitute, the offence, and committed at any previous time.

(4.) Where an offence charged is a continuous offence, it shall not be necessary to specify in the information, summons, or indictment the date of the acts constituting the offence.

Wife or husband to be compellable witness.

14. Notwithstanding anything contained in section seven of the principal Act, the wife or husband of a person charged with an offence under that Act or this Act shall, in any proceeding against that person for that offence, be compellable as well as competent to give evidence.

Provisions as to evidence of child unable to attend. 30 & 31 Vict. c. 35.

15.—(1.) Where a justice is satisfied by the evidence of a registered medical practitioner that the attendance before a court of any child in respect of whom an offence under section one of the principal Act is alleged to have been committed would be injurious or dangerous to its health, the justice may take in writing the statement of such child in pursuance of section six of the Criminal Law Amendment Act, 1867, as if the child were dangerously ill, and, in the opinion of the medical practitioner, not likely to recover.

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(2.) Where on the trial of any person on indictment for any offence under section one of the principal Act the court is satisfied by the evidence of a registered medical practitioner that the attendance before the court of any child in respect of whom the crime is alleged to have been committed would be injurious or dangerous to its health, any deposition taken under the Indictable Offences Act, 1848, or any statement of the child taken under this section, may be read in evidence and shall have effect in like manner as if it were proved that the child were so ill as not to be able to travel, or (in the case of any such statement) that there was no reasonable probability that the child would ever be able to travel or give evidence; but the same provisions shall apply as in the case of the reception of evidence under section eight of the principal Act.

11 & 12 Vict. c. 42.

(3.) Where in any proceedings with relation to an offence under section one of the principal Act the court is satisfied by the evidence of a registered medical practitioner that the attendance before the court of any child in respect of whom the crime is alleged to have been committed would be injurious or dangerous to its health, and is further satisfied that the evidence of the child is not essential to the just hearing of the case, the case may be proceeded with and determined in the absence of the child.

Provision as to step-parent, &c.

16. The provisions of the principal Act and this Act relating to the parent of a child shall apply to the step-parent of the child and to any person cohabiting with the parent of the child.

Definition of "custody, charge, or care."

17.—(1.) For the purposes of this Act, and of the principal Act as amended by this Act,—

Any person who is the parent of a child shall be presumed to have the custody of the child; and

Any person to whose charge a child is committed by its parent shall be presumed to have charge of the child; and

Any other person having actual possession or control of a child shall be presumed to have the care of the child.

(2.) The words "charge or care" shall be substituted for "control or charge" in section one, and for "or control" in section five, of the principal Act; and the word "custody" shall be substituted for "charge" in the said section five wherever the latter word is used in connexion with an order under that section or with any such undertaking by a relation of a child or other person as therein mentioned.

Definitions.

18. Unless the context otherwise requires—

The expression "child" in this Act shall mean a boy or girl under the age of *sixteen*; and

The expression "injury to its health" shall be presumed to include injury to or loss of sight, or hearing, or limb, or organ of the body, and any mental derangement.

The expression "place of safety" shall both in the principal Act and in this Act include any workhouse or police station, or any hospital surgery, or place of the like kind, and any board of guardians are hereby required to provide for the reception of children brought to the workhouse in pursuance of the principal Act or this Act.

The expression "committed for trial" shall mean, as regards Ireland, committed to prison or admitted to bail in manner provided in the Petty Sessions (Ireland) Act, 1891.

The expression "Industrial Schools Acts" shall mean—

(*a.*) as regards England and Scotland, the Industrial Schools Act, 1866, and the Acts amending the same; and 29 & 30 Vict. c. 118.

(*b.*) as regards Ireland, the Industrial Schools Act (Ireland), 1868. 31 & 32 Vict. c. 25.

The expression "chief officer of police" shall mean—

in England—

in the city of London and the liberties thereof, the commissioner of city police;

in the metropolitan police district, the commissioner of police of the metropolis;

elsewhere in England, the chief constable, or head constable or other officer, by whatever name called, having the chief local command of the police in the police district in reference to which such expression occurs:

in Scotland—

the chief constable, or head constable, superintendent or inspector, or other officer, by whatever name called, having the chief local command of the police in the police district in reference to which such expression occurs:

in Ireland—

in the police district of Dublin metropolis, the chief commissioner of the police for the said district; and

elsewhere in Ireland in any other police district the county inspector of the Royal Irish Constabulary.

Short title and construction. 52 & 53 Vict. c. 44.

19. This Act may be cited as the Prevention of Cruelty to Children Act, 1894, and shall be construed as one with the Prevention of Cruelty to and Protection of Children Act, 1889, and that Act and this Act may be cited together as the Prevention of Cruelty to Children Acts, 1889 and 1894.

Prevention of Cruelty to Children.

A

B I L L

To amend the Law for the Prevention of Cruelty to Children.

(*Prepared and brought in by Sir Richard Webster, Mr. Greene, Mr. Bucknill, Mr. Byrne, and Mr. L. Cohen.*)

Ordered, by The House of Commons, *to be Printed*, 16 *March* 1894.

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[Bill 44.]

Prevention of Cruelty to Children Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Limit of age raised in case of boys to sixteen years.
2. Application of section 1 of the principal Act in case of assault or death of a child.
3. Explanation of principal Act as to neglect.
4. Power as to habitual drunkards.
5. Amendments as to punishments.
6. Extension and amendment of section 3 of principal Act.
7. Amendment of section 4 of the principal Act.
8. Amendment of section 5 of the principal Act.
9. Restriction on power to emigrate child.
10. Interchange of powers under Industrial Schools Acts and principal Act.
11. Amendment of section 6 of the principal Act.
12. Extension of provisions of principal Act to other offences.
13. Mode of charging offences and limitation of time.
14. Provision as to evidence of child unable to attend.
15. Provision as to step-parent, &c.
16. Definition of "custody, charge, or care."
17. Definitions.
18. Application to Ireland.
19. Application to Scotland.
20. Short title and construction.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Law for the Prevention of Cruelty to Children.

A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Limit of age raised in case of boys to 16 years. 52 & 53 Vict. c. 44.

1. Sections one and five of the Prevention of Cruelty to and Protection of Children Act, 1889 (herein-after called the principal Act), shall apply in the case of boys under the age of sixteen years in the same manner as they apply in the case of boys under the age of fourteen years, and sixteen years shall in those sections with reference to the age of a boy, be accordingly substituted for fourteen years.

Application of s. 1 of the principal Act in case of assault or death of a child.

2.—(1.) The principal Act shall be amended by the addition throughout that Act of the word "assaults" before the word "ill-treats," and "assaulted" before "ill-treated," and "assault" before "ill-treatment."

(2.) A person may be convicted either by a court of summary jurisdiction or on indictment of an offence under section one of the principal Act, notwithstanding the death of the child in respect of whom the offence was committed.

(3.) If upon the trial of any person for murder or manslaughter the jury are satisfied that the defendant is guilty of an offence under section one of the principal Act, but are not satisfied that the defendant is guilty of the murder or manslaughter with which he is charged, the jury may acquit the defendant of the murder or manslaughter, and may find him guilty of an offence under section one of the principal Act, and the defendant on being so convicted shall be liable to be punished as if he had been convicted of that offence on an indictment for the same.

Explanation of principal Act as to neglect.

3. The principal Act shall apply in the case of a parent who being without means to maintain a child fails to provide for its

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maintenance under the Acts relating to the relief of the poor, in like manner as if he had otherwise neglected the child.

Power as to habitual drunkards.

4.—(1.) Where it appears to the court by or before which any person is convicted of an offence under section one of the principal Act that that person is a parent of the child in respect of whom the offence was committed, or is living with the parent of the child, and is an habitual drunkard within the meaning of the Inebriates Acts, 1879 and 1888, the court, in lieu of sentencing such person to any punishment under that section, may, if it thinks fit, make an order for his detention for any period named in the order not exceeding twelve months in a retreat under the said Acts, the licensee of which is willing to receive him, and the said order shall have the like effect, and copies thereof shall be sent to the local authority and Secretary of State in like manner as if it were an application duly made by such person and duly attested by two justices under the said Acts; and the court may order an officer of the court or constable to remove such person to the retreat, and on his reception the said Acts shall have effect as if he had been admitted in pursuance of an application so made and attested as aforesaid: Provided that if the wife or husband of such person being present at the hearing of the charge, objects to an order being made under this section, the court shall, before making the order, take into consideration any representation made to it by the wife or husband.

42 & 43 Vict. c. 19.
51 & 52 Vict. c. 19.

(2.) The Local Government Board may make arrangements for the reception in any workhouses or asylums, provided under any of the Acts relating to the relief of the poor, of persons liable in pursuance of this section to be detained in a retreat, and the Inebriates Acts, 1879 and 1888, and this Act shall, with such modifications as the Local Government Board may by order prescribe, apply to every workhouse or asylum specified in that behalf by order of the said Board, as if it were a retreat under those Acts.

Amendments as to punishments.

5.—(1.) Six months shall be substituted for three months in section one of the principal Act as the term of imprisonment to which a person shall be liable as provided in that section on conviction by a court of summary jurisdiction.

(2.) The court in any case in which they have power to increase a fine on any person under section two of the principal Act shall have power to sentence that person to penal servitude for any term not exceeding five years, but any sentence so given shall be in substitution for and not in addition to any penalty which may be awarded under section one or section two of the said Act.

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(3.) Section two of the principal Act shall be amended by the substitution of the word "indicted" for the words "convicted on indictment;" and the words in that section from "such interest as aforesaid" to the end of the section are hereby repealed.

(4.) A person shall be deemed to be interested in a sum of money under section two of the principal Act if he has any share in or any benefit from the payment of that money, though he is not a person to whom it is legally payable.

Extension and amendment of s. 3 of principal Act.

6.—(1.) If any person having the custody, charge, or care of a child allows that child to be in any street, premises, or place for any purpose which in reference to the street, premises, or place is forbidden by or in pursuance of section three of the principal Act as amended by this Act, that person shall be liable to the like penalties as if he had caused that child so to be in such street, premises, or place.

(2.) The hours of nine p.m. and six a.m. shall be substituted in paragraph (*b*) of section three of the principal Act for the hours of ten p.m. and five a.m. respectively.

(3.) If any person causes or procures any child, or, having the custody, charge, or care of any child, allows that child to be in any place for the purpose of being trained as an acrobat, contortionist, or circus performer, or for any exhibition or performance which in its nature is dangerous, that person shall, unless he has a licence under section three of the principal Act, be liable to the same penalties as are provided by that section for the offences therein mentioned, and the provisions of that section, both as to the granting of a licence and as to the penalties, shall apply accordingly.

(4.) Where any person applies for a licence under section three of the principal Act he shall, at least seven days before making the application, give notice thereof to the chief officer of police for the district in which the licence is to take effect, and that officer may appear or instruct some person to appear before the authority hearing the application, and show cause why the licence should not be granted, and the authority to whom the application is made shall not grant the same unless they are satisfied that notice has been properly given under this section.

(5.) Where a licence is granted under section three of the principal Act to any person, that person shall, not less than ten days after the granting of the licence, cause a copy thereof to be sent to the inspector of factories and workshops acting for the district in which the licence is to take effect, and if he fails to cause such copy to be sent, shall be liable on summary conviction to a fine not exceeding five pounds.

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(6.) Section three of the principal Act shall not apply in the case of any occasional sale or entertainment not held upon any premises or place licensed for the sale of intoxicating liquors the net proceeds of which are wholly applied for the benefit of any school or to any charitable object.

(7.) Sub-section (*a*) of section three of the principal Act shall be amended by the substitution of the word "place" for "street."

Amendment of s. 4 of the principal Act.

7.—(1.) Any constable may take into custody without warrant any person who has committed or who he has reason to believe has committed any offence under section one of the principal Act, if he has reasonable ground for believing that such person will abscond, or the name and address of that person is unknown to and cannot be ascertained by the constable, and the provisions of section four of the principal Act as to the release on bail of persons arrested without a warrant under that section shall apply to persons arrested without a warrant under this section.

(2.) Any constable may take any child, in respect of whom there is reason to believe that an offence under section one of the principal Act has been committed, to a place of safety, and a child so taken to a place of safety, and also any child who seeks refuge in a place of safety, may be there detained until the child can be brought before a court of summary jurisdiction.

(3.) Where it appears to a court of summary jurisdiction or any justice that an offence under section one of the principal Act has been committed in the case of any child that is brought before such court or justice, and that the health or safety of the child will be endangered unless an order is made under this section, the court or justice may, without prejudice to any power under the principal Act, make such order as circumstances require for the care and detention of the child until a reasonable time has elapsed for a charge to be made against some person for having committed the offence, and until some person has been committed for trial or dealt with by a court of summary jurisdiction, or the charge against him has been dismissed, and an order under this section may be carried out notwithstanding that any person claims the custody of the child.

(4.) Where the place of safety to which a constable shall take a child is a workhouse, the master shall receive such child into the workhouse if there is suitable accommodation therein for the same, and shall detain such child until the case is determined, and any expenses incurred in respect of such child shall be deemed to be expenses incurred in the relief of the poor.

Amendment of s. 5 of the principal Act.

8.—(1.) An order under section five of the principal Act for the committal of a child to the custody of a relation or other person

named by the court as therein provided may be made either in manner provided by that section or by the court before whom a person has been convicted, committed for trial, or bound over to keep the peace as mentioned in that section, and that court, if it thinks fit, may make the order at the time when such person is so dealt with, and without requiring new proceedings to be instituted for the purpose of the order.

(2.) Any such order, and also any subsequent order renewing, varying, or revoking the same, shall be in writing and may be made by the court in the absence of the child; and the consent of any person to undertake the custody of a child in pursuance of an order shall be proved in such manner as the court may think sufficient to bind him.

(3.) The said section shall have effect where a parent of the child has been convicted of or committed for trial for the offence, in like manner as where such parent is under committal for trial for having been, or has proved to have been party or privy to the offence.

(4.) An order on the parent of a child to contribute to its maintenance may be made under sub-section two of the said section either at the time when the order for its committal to the custody of any person is made, or subsequently; and if a person fails to pay any sum payable by him in pursuance of an order under that sub-section, he may be dealt with in like manner as if the sum were due from him in pursuance of an order under the Bastardy Law Amendment Act, 1872, or in Scotland were a sum decerned for aliment. 35 & 36 Vict. c. 65.

(5.) An order on the parent of a child to contribute to its maintenance may be made under sub-section two of the said section, either as therein provided, or as in the opinion of the court the circumstances of the parent, on whom the order is made, may admit and require.

(6.) The provisions of section five of the principal Act shall apply, in the case of a person who gives such undertaking as seems to the court sufficient that the child shall be brought up in accordance with its own religious persuasion, in the same manner as they apply in the case of a person who is of the same religious persuasion as the child, but only so long as the undertaking is observed.

Restriction on power to emigrate child.

9. A Secretary of State, in any case where it appears to him to be for the benefit of a child who has been committed to the custody of any person under section five of the principal Act, may empower such person to procure the emigration of the child, but, except with such authority, no person to whose custody a child is so committed shall procure its emigration.

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Interchange of powers under Industrial Schools Acts and principal Act.

10.—(1.) Where a child is brought before a petty sessional court under circumstances authorising the court to deal with the child under the Industrial Schools Acts, the court, if it thinks fit, in lieu of ordering the child to be sent to an industrial school, may make an order under section five of the principal Act for the committal of the child to the care of a relation or person named by the court as therein provided.

(2.) Where a court has power under the principal Act or this Act to commit a child to the custody of any relation or person named by the court until it attains the age of sixteen years, or where a child is brought before a court having been found being in any street, premises, or place for a purpose forbidden by section three of the principal Act as amended by this Act, whether or not any person is charged with an offence under that section in respect of the child, the court may, if it thinks fit, deal with the child under the Industrial Schools Acts in like manner as if it had been found wandering and not having any proper guardianship.

(3.) Where, in pursuance of the Industrial Schools Acts or this Act, a court orders a child to be sent to an industrial school, the order may, at the discretion of the court, be made to take effect either immediately or at any later time specified therein, regard being had to the age or health of the child; and, if the order is not made to take effect immediately, or if at the time specified for the order to take effect the child is deemed unfit to be sent to an industrial school the court may commit the child to the custody of a relation or person named by the court, as provided by section five of the principal Act until the time so specified or the time when the order actually takes effect.

Amendment of s. 6 of the principal Act.

11.—(1.) It shall not be necessary in any information or warrant under section six of the principal Act to name the child.

(2.) A warrant issued under section six of the principal Act may authorise any person named in the warrant to remove a child, with or without search, to a place of safety, and detain it there until it can be brought before a court of summary jurisdiction, and the provisions of that section shall apply in the case of any such warrant as they apply in the case of a warrant to search for a child and take it to and detain it in a place of safety.

Extension of provisions of principal Act to other offences. 24 & 25 Vict. c. 100. 42 & 43 Vict. c. 34

12. The provisions of the principal Act and this Act shall apply in the case of any offence against a child under the twenty-seventh, forty-third, or fifty-sixth section of the Offences against the Person Act, 1861, or in the case of any offence under the Children's Dangerous Performances Act, 1879, or in the case of any other offence involving bodily injury to a child, in the same manner as they

apply in the case of an offence against section one of the principal Act, and a reference to the said offences shall be included in any reference to an offence against section one of the principal Act.

Mode of charging offences and limitation of time.

13.—(1.) Where a person is charged with committing an offence under the principal Act or this Act in respect of two or more children, the same information, summons, or indictment may charge the offence in respect of all or any of them, but the person charged shall not be liable to a separate penalty for each child unless upon separate informations.

(2.) The same information, summons, or indictment may also charge the offences of assault, ill-treatment, neglect, abandonment, or exposure, together or separately, but when charged together the person charged shall not be liable to a separate penalty for each.

(3.) A person shall not be summarily convicted under the principal Act or this Act of an offence unless the offence was wholly or partly committed within six months before the information was laid; but, subject as aforesaid, evidence may be taken of acts constituting, or contributing to constitute, the offence, and committed at any previous time.

(4.) Where an offence charged is a continuous offence, it shall not be necessary to specify in the information, summons, or indictment the date of the acts constituting the offence.

Provisions as to evidence of child unable to attend.

14.—(1.) Where a justice is satisfied by the evidence of a registered medical practitioner that the attendance before a court of any child in respect of whom an offence under section one of the principal Act is alleged to have been committed would be injurious or dangerous to its health, the justice may take in writing the statement of such child in pursuance of section six of the Criminal Law Amendment Act, 1867, as if the child were dangerously ill, and, in the opinion of the medical practitioner, not likely to recover.

30 & 31 Vict. c. 35.

(2.) Where on the trial of any person on indictment for any offence under section one of the principal Act the court is satisfied by the evidence of a registered medical practitioner that the attendance before the court of any child in respect of whom the crime is alleged to have been committed would be injurious or dangerous to its health, any deposition taken under the Indictable Offences Act, 1848, or any statement of the child taken under this section, may be read in evidence and shall have effect in like manner as if it were proved that the child were so ill as not to be able to travel, or (in the case of any such statement) that there was no reasonable probability that the child would ever be able to travel or give

11 & 12 Vict. c. 42.

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evidence; but the same provisions shall apply as in the case of the reception of evidence under section eight of the principal Act.

(3.) Where in any proceedings with relation to an offence under section one of the principal Act the court is satisfied by the evidence of a registered medical practitioner that the attendance before the court of any child in respect of whom the crime is alleged to have been committed would be injurious or dangerous to its health, and is further satisfied that the evidence of the child is not essential to the just hearing of the case, the case may be proceeded with and determined in the absence of the child.

Provision as to step-parent, &c.

15. The provisions of the principal Act and this Act relating to the parent of a child shall apply to the step-parent of the child and to any person cohabiting with the parent of the child.

Definition of "custody, charge, or care."

16.—(1.) For the purposes of this Act, and of the principal Act as amended by this Act,—

Any person who is the parent of a child shall be presumed to have the custody of the child; and

Any person to whose charge a child is committed by its parent shall be presumed to have charge of the child; and

Any other person having actual possession or control of a child shall be presumed to have the care of the child.

(2.) The words "charge or care" shall be substituted for "control or charge" in section one, and for "or control" in section five, of the principal Act; and the word "custody" shall be substituted for "charge" in the said section five wherever the latter word is used in connexion with an order under that section or with any such undertaking by a relation of a child or other person as therein mentioned.

Definitions.

17. Unless the context otherwise requires—

The expression "child" in this Act shall mean a boy or girl under the age of sixteen; and

The expression "injury to its health" shall be presumed to include injury to or loss of sight, or hearing, or limb, or organ of the body, and any mental derangement.

The expression "place of safety" shall both in the principal Act and in this Act include any workhouse or police station, or any hospital surgery, or place of the like kind, and any board of guardians are hereby required to provide for the reception of children brought to the workhouse in pursuance of the principal Act or this Act.

The expression "committed for trial" shall mean, as regards Ireland, committed to prison or admitted to bail in manner provided in the Petty Sessions (Ireland) Act, 1851.

The expression "Industrial Schools Acts" shall mean—

(*a*) as regards England and Scotland, the Industrial Schools Act, 1866, and the Acts amending the same; and 29 & 30 Vict. c. 118.

(*b*) as regards Ireland, the Industrial Schools Act (Ireland), 1868, and any Act amending the same. 31 & 32 Vict. c. 25.

The expression "chief officer of police" shall mean—

in England—

in the city of London and the liberties thereof, the commissioner of city police;

in the metropolitan police district, the commissioner of police of the metropolis;

elsewhere in England, the chief constable, or head constable or other officer, by whatever name called, having the chief local command of the police in the police district in reference to which such expression occurs:

in Scotland—

the chief constable, or head constable, superintendent or inspector, or other officer, by whatever name called, having the chief local command of the police in the police district in reference to which such expression occurs:

in Ireland—

in the police district of Dublin metropolis, the chief commissioner of the police for the said district; and

elsewhere in Ireland in any other police district the county inspector of the Royal Irish Constabulary.

Application to Ireland.

18. In the application of this Act to Ireland the Local Government Board for Ireland shall be substituted for the Local Government Board, the Chief Secretary to the Lord Lieutenant shall be substituted for a Secretary of State, and the Indictable Offences (Ireland) Act, 1849, shall be substituted for the Indictable Offences Act, 1848.

Application to Scotland.

19. In the application of this Act to Scotland the Board of Supervision shall be substituted for the Local Government Board, the Secretary for Scotland shall be substituted for a Secretary of State, manslaughter shall mean culpable homicide, and defendant shall include panel, respondent, or person charged.

Short title and construction. 52 & 53 Vict. c. 44.

20. This Act may be cited as the Prevention of Cruelty to Children Act, 1894, and shall be construed as one with the Prevention of Cruelty to and Protection of Children Act, 1889, and that Act and this Act may be cited together as the Prevention of Cruelty to Children Acts, 1889 and 1894.

Prevention of Cruelty to Children.

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B I L L

[AS AMENDED IN COMMITTEE]

To amend the Law for the Prevention of Cruelty to Children.

(*Prepared and brought in by Sir Richard Webster, Mr. Greene, Mr. Bucknill, Mr. Byrne, and Mr. L. Cohen.*)

Ordered, by The House of Commons, *to be Printed*, 23 *May* 1894.

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[Bill 242.]

Prevention of Cruelty to Children Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

Cruelty to Children.

Clause.

1. Punishment for cruelty to children.

Restrictions on Employment of Children.

2. Restrictions on employment of children.
3. Licenses for employment of children.

Arrest of Offender and Provision for Safety of Children.

4. Power to take offenders into custody.
5. Detention of child in place of safety.
6. Disposal of child by order of court.
7. Maintenance of child when committed to custody of any person under order of Court.
8. Religious persuasion of person to whom child is committed.
9. Interchange of powers under Industrial Schools Acts and this Act.
10. Warrant to search for or remove a child.

Power as to Habitual Drunkards.

11. Power as to habitual drunkards.

Evidence and Procedure.

12. Evidence of accused person.
13. Extension of power to take deposition of child.
14. Admission of deposition of child in evidence.
15. Evidence of child of tender years.
16. Power to proceed with case in absence of child.
17. Presumption of age of child.
18. Mode of charging offences and limitation of time.
19. Appeal from summary conviction to quarter sessions.

Clause.
20. Expenses of prosecution.
21. Guardians may pay costs of proceedings.

Supplemental.

22. Provision as to byelaws.
23. Provision as to parents and as to meaning of "custody, charge, or care."
24. Right of parent, &c. to administer punishment.
25. General definitions.
26. Application of Act to Scotland.
27. Application of Act to Ireland.
28. Short title and repeal.

SCHEDULE.

1889 = 52 & 53 Vict. c. 44.
1894 = 57 & 58 Vict. c. 27.

A

B I L L

INTITULED

An Act to consolidate the Acts relating to the Prevention of Cruelty to, and Protection of, Children. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Cruelty to Children.

Punishment for cruelty to children. [1889, ss. 1, 2; 1894, ss. 1, 2, 5, 18, 19.]

1.—(1.) If any person over the age of sixteen years who has the custody, charge, or care of any child under the age of sixteen years, wilfully assaults, ill-treats, neglects, abandons, or exposes such child, or causes or procures such child to be assaulted, ill-treated, neglected, abandoned, or exposed in a manner likely to cause such child unnecessary suffering, or injury to its health (including injury to or loss of sight, or hearing, or limb, or organ of the body, and any mental derangement), that person shall be guilty of a misdemeanor; and

(*a*) on conviction on indictment, shall be liable, at the discretion of the court, to a fine not exceeding one hundred pounds, or alternatively, or in default of payment of such fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding two years; and

(*b*) on summary conviction shall be liable, at the discretion of the court, to a fine not exceeding twenty-five pounds, or alternatively, or in default of payment of such fine, or in

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addition thereto, to imprisonment, with or without hard labour for any term not exceeding six months.

(2.) A person may be convicted of an offence under this section either on indictment or by a court of summary jurisdiction notwithstanding the death of the child in respect of whom the offence is committed.

(3.) If it is proved that a person indicted under this section was interested in any sum of money accruable or payable in the event of the death of the child, and had knowledge that such sum of money was accruing or becoming payable, the court, in its discretion, may

(*a*) increase the amount of the fine under this section so that the fine does not exceed two hundred pounds; or

(*b*) in lieu of awarding any other penalty under this section, sentence the person indicted to penal servitude for any term not exceeding five years.

(4.) A person shall be deemed to be interested in a sum of money under this section if he has any share in or any benefit from the payment of that money, though he is not a person to whom it is legally payable.

(5.) An offence under this section is in this Act referred to as an offence of cruelty.

Restrictions on Employment of Children.

Restrictions on employment of children.

[1889, s. 3; 1894, ss. 6, 19.]

2. If any person—

(*a*) causes or procures any child, being a boy under the age of fourteen years, or being a girl under the age of sixteen years, or, having the custody, charge, or care of any such child, allows that child, to be in any street, premises, or place for the purpose of begging or receiving alms, or of inducing the giving of alms, whether under the pretence of singing, playing, performing, offering anything for sale, or otherwise; or

(*b*) causes or procures any child, being a boy under the age of fourteen years, or being a girl under the age of sixteen years, or, having the custody, charge, or care of any such child, allows that child, to be in any street, or in any premises licensed for the sale of any intoxicating liquor, other than premises licensed according to law for public entertainments, for the purpose of singing, playing, or performing for profit, or offering anything for sale, between nine p.m. and six a.m.; or

(*c*) causes or procures any child under the age of eleven years, or, having the custody, charge, or care of any such child, allows that child, to be at any time in any street, or in any premises

licensed for the sale of any intoxicating liquor, or in premises licensed according to law for public entertainments, or in any circus or other place of public amusement to which the public are admitted by payment, for the purpose of singing, playing, or performing for profit, or offering anything for sale; or

(*d*) causes or procures any child under the age of sixteen years, or, having the custody, charge, or care of any such child, allows that child to be in any place for the purpose of being trained as an acrobat, contortionist, or circus performer, or of being trained for any exhibition or performance which in its nature is dangerous,

that person shall, on summary conviction, be liable, at the discretion of the court, to a fine not exceeding twenty-five pounds, or alternatively, or in default of payment of such fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding three months.

Provided that—

(i.) This section shall not apply in the case of any occasional sale or entertainment the net proceeds of which are wholly applied for the benefit of any school or to any charitable object, if such sale or entertainment is held elsewhere than in premises which are licensed for the sale of any intoxicating liquor but not licensed according to law for public entertainments, or if, in the case of a sale or entertainment held in any such premises as aforesaid, a special exemption from the provisions of this section has been granted in writing under the hands of two justices of the peace; and

(ii.) Any local authority may, if they think it necessary or desirable so to do, from time to time by byelaw extend or restrict the hours mentioned in paragraph (*b*) of this section, either on every day or on any specified day or days of the week, and either as to the whole of their district or as to any specified area therein; and

(iii.) Paragraphs (*c*) and (*d*) of this section shall not apply in any case in respect of which a licence granted under this Act is in force, so far as that licence extends; and

(iv.) Paragraph (*d*) of this section shall not apply in the case of a person who is the parent or legal guardian of a child, and himself trains the child.

Licences for employment of children.

3.—(1.) A petty sessional court, or in Scotland the School Board, may, notwithstanding anything in this Act, grant a licence for such

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[1889, s. 3.; 1894, s. 6.]

time and during such hours of the day, and subject to such restrictions and conditions as the court or board think fit, for any child exceeding seven years of age,—

(*a*) to take part in any entertainment or series of entertainments to take place in premises licensed according to law for public entertainments, or in any circus or other place of public amusement as aforesaid; or

(*b*) to be trained as aforesaid; or

(*c*) for both purposes;

if satisfied of the fitness of the child for the purpose, and if it is shown to their satisfaction that proper provision has been made to secure the health and kind treatment of the children taking part in the entertainment or series of entertainments or being trained as aforesaid, and the court or board may, upon sufficient cause, vary, add to, or rescind any such licence.

Any such licence shall be sufficient protection to all persons acting under or in accordance with the same.

41 & 42 Vict. c. 16.

(2.) A Secretary of State may assign to any inspector appointed under section sixty-seven of the Factory and Workshop Act, 1878, specially and in addition to any other usual duties, the duty of seeing whether the restrictions and conditions of any licence under this section are duly complied with, and any such inspector shall have the same power to enter, inspect, and examine any place of public entertainment at which the employment of a child is for the time being licensed under this section as an inspector has to enter, inspect, and examine a factory or workshop under section sixty-eight of the same Act.

(3.) Where any person applies for a licence under this section he shall, at least seven days before making the application, give notice thereof to the chief officer of police for the district in which the licence is to take effect, and that officer may appear or instruct some person to appear before the authority hearing the application, and show cause why the licence should not be granted, and the authority to whom the application is made shall not grant the same unless they are satisfied that notice has been properly so given.

(4.) Where a licence is granted under this section to any person, that person shall, not less than ten days after the granting of the licence, cause a copy thereof to be sent to the inspector of factories and workshops acting for the district in which the licence is to take effect, and if he fails to cause such copy to be sent, shall be liable on summary conviction to a fine not exceeding five pounds.

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(5.) Nothing in this or in the last preceding section shall affect the provisions of the Elementary Education Act, 1876, or the Education (Scotland) Act, 1878.

39 & 40 Vict. c. 79.
41 & 42 Vict. c. 78.

Arrest of Offender and Provision for Safety of Children.

Power to take offenders into custody. [1889, s. 4; 1894, ss. 7 (1), 12.]

4.—(1.) Any constable may take into custody, without warrant, any person—

(*a*) who within view of such constable commits an offence under this Act, or any of the offences mentioned in the Schedule to this Act, where the name and residence of such person are unknown to such constable and cannot be ascertained by such constable; or

(*b*) who has committed or who he has reason to believe has committed any offence of cruelty within the meaning of this Act, or any of the offences mentioned in the Schedule to this Act, if he has reasonable ground for believing that such person will abscond, or if the name and address of such person are unknown to and cannot be ascertained by the constable.

(2.) Where a constable arrests any person without warrant in pursuance of this section, the inspector or constable in charge of the station to which such person is conveyed shall, unless in his belief the release of such person on bail would tend to defeat the ends of justice, or to cause injury or danger to the child against whom the offence is alleged to have been committed, release the person arrested on his entering into such a recognisance, with or without sureties, as may in his judgment be required to secure the attendance of such person upon the hearing of the charge.

Detention of child in place of safety. [1889, s. 4; 1894, ss. 7, 12, 19.]

5.—(1.) A constable may take to a place of safety any child in respect of whom an offence under paragraph (*a*) of section two of this Act has been committed, or in respect of whom an offence of cruelty within the meaning of this Act, or any of the offences mentioned in the Schedule to this Act has been, or there is reason to believe has been, committed.

(2.) A child so taken to a place of safety, and also any child under the age of sixteen years who seeks refuge in a place of safety, may there be detained until it can be brought before a court of summary jurisdiction, and that court may make such order as is mentioned in the next following sub-section, or may cause the child to be dealt with as circumstances may admit and require until the charge made against any person in respect of any offence as aforesaid with regard to the child has been determined by the committal for trial, or conviction, or discharge of such person.

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(3.) Where it appears to a court of summary jurisdiction or any justice that an offence of cruelty within the meaning of this Act or any of the offences mentioned in the Schedule to this Act has been committed in the case of any child that is brought before such court or justice, and that the health or safety of the child will be endangered unless an order is made under this sub-section, the court or justice may, without prejudice to any other power under this Act, make such order as circumstances require for the care and detention of the child until a reasonable time has elapsed for a charge to be made against some person for having committed the offence, and, if a charge is made against any person within that time, until the charge has been determined by the committal for trial or conviction or discharge of that person, and any such order may be carried out notwithstanding that any person claims the custody of the child.

(4.) Boards of guardians, and, in Scotland, parochial boards, shall provide for the reception of children brought to a workhouse in pursuance of this Act, and where the place of safety to which a constable takes a child is a workhouse, the master shall receive the child into the workhouse if there is suitable accommodation therein for the same, and shall detain the child until the case is determined, and any expenses incurred in respect of the child shall be deemed to be expenses incurred in the relief of the poor.

Disposal of child by order of court.

[1889, s. 5; 1894, ss. 4, 8, 9, 12, 18.]

6.—(1.) Where a person having the custody, charge, or care of a child under the age of sixteen years has been—

(*a*) convicted of committing in respect of such child an offence of cruelty within the meaning of this Act, or any of the offences mentioned in the Schedule to this Act; or

(*b*) committed for trial for any such offence; or

(*c*) bound over to keep the peace towards such child,

by any court, that court either at the time when the person is so convicted, committed for trial, or bound over, and without requiring any new proceedings to be instituted for the purpose, or at any other time, and also any petty sessional court before which any person may bring the case, may, if satisfied on inquiry that it is expedient so to deal with the child, order that the child be taken out of the custody of the person so convicted, committed for trial, or bound over, and be committed to the custody of a relation of the child, or some other fit person named by the court (such relation or other person being willing to undertake such custody), until it attains the age of sixteen years, or for any shorter period, and may of its own motion or on the application of any person from time to time by order renew, vary, and revoke any such order; but no order

shall be made under this section unless a parent of the child has been convicted of or committed for trial for the offence, or is under committal for trial for having been or has been proved to have been party or privy to the offence, or has been bound over to keep the peace towards such child.

(2.) Every order under this section shall be in writing, and any such order may be made by the court in the absence of the child; and the consent of any person to undertake the custody of a child in pursuance of any such order shall be proved in such manner as the court may think sufficient to bind him.

(3.) Where an order is made under this section in respect of a person who has been committed for trial, then if that person is acquitted of the charge, or if the charge is dismissed for want of prosecution, the order shall forthwith be void except with regard to anything that may have been lawfully done under it.

(4.) A Secretary of State in England, and in Scotland the Secretary for Scotland, and in Ireland the Lord Lieutenant of Ireland may at any time in his discretion discharge a child from the custody of any person to whose custody it is committed in pursuance of this section, either absolutely or on such conditions as such Secretary of State, Secretary, or Lord Lieutenant approves, and may, if he thinks fit, make rules in relation to children so committed to the custody of any person, and to the duties of such persons with respect to such children.

(5.) A Secretary of State, in any case where it appears to him to be for the benefit of a child who has been committed to the custody of any person in pursuance of this section, may empower such person to procure the emigration of the child, but, except with such authority, no person to whose custody a child is so committed shall procure its emigration.

Maintenance of child when committed to custody of any person under order of court. [1889, s. 5.; 1894, s. 8.]

7.—(1.) Any person to whose custody a child is committed under this Act shall, whilst the order is in force, have the like control over the child as if he were its parent, and shall be responsible for its maintenance, and the child shall continue in the custody of such person, notwithstanding that it is claimed by its parent.

(2.) Any court having power so to commit a child shall have power to make the like orders on the parent of the child to contribute to its maintenance during such period as aforesaid as if the child were detained under the Industrial Schools Acts, but the limit on the amount of the weekly sum which the parent of a child may be required, under this section, to contribute to its maintenance shall be one pound a week instead of the limit fixed by the Industrial Schools Acts.

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(3.) Any such order may be made on the complaint or application of the person to whose custody the child is for the time being committed, and either at the time when the order for the child's committal to custody is made, or subsequently, and the sums contributed by the parent shall be paid to such person as the court may name, and be applied for the maintenance of the child.

(4.) If a person fails to pay any sum payable by him in pursuance of any such order, he may be dealt with in like manner as if the sum were due from him in pursuance of an order under the Bastardy Law Amendment Act, 1872, or in Scotland were a sum decerned for aliment, or in Ireland were a sum ordered to be paid by him under the Summary Jurisdiction (Ireland) Acts.

35 & 36 Vict. c. 65.

(5.) Where an order under this Act to commit a child to the custody of some relation or other person is made in respect of a person who has been committed for trial for an offence, the court shall not have power to order the parent of the child to contribute to its maintenance prior to the trial of that person.

Religious persuasion of person to whom child is committed. [1889, s. 5.; 1894, s. 8.]

8.—(1.) In determining on the person to whose custody the child shall be committed under this Act, the court shall endeavour to ascertain the religious persuasion to which the child belongs, and shall, if possible, select a person of the same religious persuasion, or a person who gives such undertaking as seems to the court sufficient that the child shall be brought up in accordance with its own religious persuasion, and such religious persuasion shall be specified in the order.

(2.) In any case where the child has been placed pursuant to any such order with a person who is not of the same religious persuasion as that to which the child belongs or who has not given such undertaking as aforesaid the court shall, on the application of any person in that behalf, and on its appearing that a fit person who is of the same religious persuasion or who will give such undertaking as aforesaid, is willing to undertake the custody, make an order to secure his being placed with a person who either is of the same religious persuasion or gives such undertaking as aforesaid.

(3.) Where a child has been placed with a person who gives such undertaking as aforesaid, and the undertaking is not observed, the child shall be deemed to have been placed with a person not of the same religious persuasion as that to which the child belongs as if no such undertaking had been given.

Interchange of powers under Industrial Schools Acts and this Act. [1894, s. 10.]

9.—(1.) Where any child under the age of sixteen years is brought before a petty sessional court under circumstances authorising the court to deal with the child under the Industrial Schools Acts, the court, if it thinks fit, in lieu of ordering that the child

be sent to an industrial school, may make an order under this Act for the committal of the child to the custody of a relation or person named by the court.

(2.) Where a court orders a child to be sent to an industrial school, the order may, at the discretion of the court, be made to take effect either immediately or at any later time specified therein, regard being had to the age or health of the child; and if the order is not made to take effect immediately, or if at the time specified for the order to take effect the child is deemed unfit to be sent to an industrial school, the court may commit the child to the custody of a relation or person named by the court, as provided by this Act, until the time so specified or the time when the order actually takes effect.

Warrant to search for or remove a child.

[1889, s. 6; 1894, ss. 1, 11.]

10.—(1.) If it appears to any stipendiary magistrate or to any two justices of the peace, on information made before him or them on oath by any person who, in the opinion of the magistrate or justices, is bonâ fide acting in the interests of a child under the age of sixteen years, that there is reasonable cause to suspect that such a child has been or is being assaulted ill-treated or neglected in any place within the jurisdiction of such magistrate or justices in a manner likely to cause the child unnecessary suffering or to be injurious to its health, such magistrate or justices may issue a warrant authorising any person named therein to search for such child, and if it is found to have been or to be assaulted, ill-treated, or neglected in manner aforesaid, to take it to and detain it in a place of safety, until it can be brought before a court of summary jurisdiction, or authorising any person to remove the child with or without search to a place of safety and detain it there until it can be brought before a court of summary jurisdiction; and the court before whom the child is brought may cause it to be dealt with in the manner provided by section five of this Act:

Provided that—

(*a*) the powers herein-before conferred on any two justices may be exercised by any one justice, if upon the information it appears to him to be a case of urgency; and

(*b*) in the case of Scotland the jurisdiction hereby conferred on a magistrate or two justices shall be exercised only by a sheriff or sheriff substitute.

(2.) Any person issuing a warrant under this section may by the same warrant cause any person accused of any offence in respect of the child to be apprehended and brought before a justice, and

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proceedings to be taken for punishing such person according to law.

(3.) Any person authorised by warrant under this section to search for any child, or to remove any child with or without search, may enter (if need be by force) any house, building, or other place specified in the warrant, and may remove the child therefrom.

(4.) Every warrant issued under this section shall be addressed to and executed by some superintendent, inspector, or other superior officer of police, who shall be accompanied by the person making the information, if such person so desire, unless the persons by whom the warrant is issued otherwise direct, and may also, if the persons by whom the warrant is issued so direct, be accompanied by a registered medical practitioner.

(5.) It shall not be necessary in any information or warrant under this section to name the child.

Power as to Habitual Drunkards.

Power as to habitual drunkards. [1894, ss. 4, 12.]

11. Where it appears to the court by or before which any person is convicted of the offence of cruelty within the meaning of this Act, or of any of the offences mentioned in the Schedule to this Act, that that person is a parent of the child in respect of whom the offence was committed, or is living with the parent of the child, and is an habitual drunkard within the meaning of the Inebriates Acts, 1879 and 1888, the court, in lieu of sentencing such person to imprisonment, may, if it thinks fit, make an order for his detention for any period named in the order not exceeding twelve months in a retreat under the said Acts, the licensee of which is willing to receive him, and the said order shall have the like effect, and copies thereof shall be sent to the local authority and Secretary of State in like manner as if it were an application duly made by such person and duly attested by two justices under the said Acts; and the court may order an officer of the court or constable to remove such person to the retreat, and on his reception the said Acts shall have effect as if he had been admitted in pursuance of an application so made and attested as aforesaid: Provided that—

42 & 43 Vict. c. 19. 51 & 52 Vict. c. 19.

(*a*) an order for the detention of a person in a retreat shall not be made under this section unless that person, having had such notice as the court deems sufficient of the intention to allege habitual drunkenness, consents to the order being made; and,

(*b*) if the wife or husband of such person, being present at the hearing of the charge, objects to the order being made, the court shall, before making the order, take into consideration any representation made to it by the wife or husband; and

(*c*) before making the order the court shall, to such extent as it may deem reasonably sufficient, be satisfied that provision will be made for defraying the expenses of such person during detention in a retreat.

Evidence and Procedure.

Evidence of accused person. [1889, s. 7; 1894, s. 12.]

12. In any proceeding against any person for an offence under this Act or for any of the offences mentioned in the Schedule to this Act, such person shall be competent but not compellable to give evidence, and the wife or husband of such person may be required to attend to give evidence as an ordinary witness in the case, and shall be competent but not compellable to give evidence.

Extension of power to take deposition of child. [1894, ss. 12, 14.]

13.—(1.) Where a justice is satisfied by the evidence of a registered medical practitioner that the attendance before a court of any child, in respect of whom an offence of cruelty within the meaning of this Act or any of the offences mentioned in the Schedule to this Act is alleged to have been committed, would involve serious danger to its life or health, the justice may take in writing the deposition of such child on oath, and shall thereupon subscribe the same and add thereto a statement of his reason for taking the same, and of the day when and place where the same was taken, and of the names of the persons (if any) present at the taking thereof.

(2.) The justice taking any such deposition shall transmit the same with his statement—

(*a*) if the deposition relates to an offence for which any accused person is already committed for trial, to the proper officer of the court for trial at which the accused person has been committed; and

(*b*) in any other case to the clerk of the peace of the county or borough in which the deposition has been taken;

and the clerk of the peace to whom any such deposition is transmitted shall preserve, file, and record the same.

Admission of deposition of child in evidence. [1894, ss. 12, 15.]

14. Where on the trial of any person on indictment for any offence of cruelty within the meaning of this Act or any of the offences mentioned in the Schedule to this Act, the court is satisfied by the evidence of a registered medical practitioner that the attendance before the court of any child in respect of whom the offence is alleged to have been committed would involve serious danger to its life or health, any deposition of the child taken under

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11 & 12 Vict. c. 42. 12 & 13 Vict. c. 69. 14 & 15 Vict. c. 93.

the Indictable Offences Act, 1848, or the Indictable Offences (Ireland) Act, 1849, or the Petty Sessions (Ireland) Act, 1851, or this Act, shall be admissible in evidence either for or against the accused person without further proof thereof—

(*a*) if it purports to be signed by the justice by or before whom it purports to be taken; and

(*c*) if it is proved that reasonable notice of the intention to take the deposition has been served upon the person against whom it is proposed to use the same as evidence, and that that person or his counsel or solicitor had or might have had, if he had chosen to be present, an opportunity of cross-examining the child making the deposition.

Evidence of child of tender years. [1889, ss. 8, 16; 1894, s. 12.]

15.—(1.) Where, in any proceeding against any person for an offence under this Act or for any of the offences mentioned in the Schedule to this Act, the child in respect of whom the offence is charged to have been committed, or any other child of tender years who is tendered as a witness, does not in the opinion of the court understand the nature of an oath, the evidence of such child may be received, though not given upon oath, if, in the opinion of the court, such child is possessed of sufficient intelligence to justify the reception of the evidence, and understands the duty of speaking the truth: and the evidence of such child, though not given on oath but otherwise taken and reduced into writing, in accordance with the provisions of section seventeen of the Indictable Offences Act, 1848, or of section fourteen of the Petty Sessions (Ireland) Act, 1851, or of section thirteen of this Act, shall be deemed to be a deposition within the meaning of those sections respectively:

11 & 12 Vict. c. 42. 14 & 15 Vict. c. 93.

Provided that—

(*a.*) A person shall not be liable to be convicted of the offence unless the testimony admitted by virtue of this section and given on behalf of the prosecution is corroborated by some other material evidence in support thereof implicating the accused; and

(*b.*) Any child whose evidence is received as aforesaid and who shall wilfully give false evidence shall be liable to be indicted and tried for such offence, and on conviction thereof may be adjudged such punishment as is provided for by section eleven of the Summary Jurisdiction Act, 1879, in the case of juvenile offenders, or in Ireland by section four of the Summary Jurisdiction over Children (Ireland) Act, 1884, in the case of children.

42 & 43 Vict. c. 49. 47 & 48 Vict. c. 19.

(2.) This section shall not apply to Scotland.

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Power to proceed with case in absence of child. [1894, ss. 12, 16.]

16. Where in any proceedings with relation to an offence of cruelty within the meaning of this Act, or any of the offences mentioned in the Schedule to this Act, the court is satisfied by the evidence of a registered medical practitioner that the attendance before the court of any child in respect of whom the offence is alleged to have been committed would involve serious danger to its life or health, and is further satisfied that the evidence of the child is not essential to the just hearing of the case, the case may be proceeded with and determined in the absence of the child.

Presumption of age of child. [1889, s. 9; 1894, s. 12.]

17. Where a person is charged with an offence under this Act, or any of the offences mentioned in the Schedule to this Act, in respect of a child who is alleged in the charge or indictment to be under any specified age, and the child appears to the court to be under that age, such child shall for the purposes of this Act be deemed to be under that age, unless the contrary is proved.

Mode of charging offences and limitation of time. [1894, ss. 12, 13.]

18.—(1.) Where a person is charged with committing an offence under this Act or any of the offences mentioned in the Schedule to this Act in respect of two or more children, the same information or summons may charge the offence in respect of all or any of them but the person charged shall not be liable to a separate penalty for each child unless upon separate informations.

(2.) The same information or summons may also charge the offences of assault, ill-treatment, neglect, abandonment, or exposure, together or separately, but when those offences are charged together the person charged shall not be liable to a separate penalty for each.

(3.) A person shall not be summarily convicted of an offence under this Act or of an offence mentioned in the Schedule to this Act unless the offence was wholly or partly committed within six months before the information was laid; but, subject as aforesaid, evidence may be taken of acts constituting, or contributing to constitute, the offence, and committed at any previous time.

(4.) Where an offence under this Act or any offence mentioned in the Schedule to this Act charged against any person is a continuous offence, it shall not be necessary to specify in the information, summons, or indictment, the date of the acts constituting the offence.

Appeal from summary conviction to quarter sessions. [1889, s. 10.]

19. When, in pursuance of this Act, any person is convicted by a court of summary jurisdiction of an offence, and such person did not plead guilty or admit the truth of the information, or when in the case of any application under sections six, seven, or eight of this Act, other than an application to a judge or court of assize, any party thereto thinks himself aggrieved by any order or

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decision of the court, he may appeal against such a conviction, or order, or decision, in England and Ireland to a court of quarter sessions, and in Scotland to the High Court of Justiciary, in manner provided by the Summary Prosecutions Appeal (Scotland) Act, 1875, or any Act amending the same.

38 & 39 Vict. c. 62.

Expenses of prosecution. [1889, ss. 11, 16.]

20.—(1.) Where a misdemeanor under this Act is tried on indictment, the expenses of the prosecution shall be defrayed in like manner as in the case of a felony.

(2.) This section shall not apply to Scotland.

Guardians may pay costs of proceedings. [1889, s. 12.]

21. A board of guardians, or in Scotland the parochial board of any parish or combination, may, out of the funds under their control, pay the reasonable costs and expenses of any proceedings which they have directed to be taken under this Act in regard to the assault, ill-treatment, neglect, abandonment, or exposure of any child, and, in the case of a union, shall charge such costs and expenses to the common fund.

Supplemental.

Provision as to byelaws. [1889, s. 13.]

22. Every byelaw under this Act shall be subject—

38 & 39 Vict. c. 55.

(*a.*) In England to section one hundred and eighty-four of the Public Health Act, 1875, as if every local authority in England under this Act were a local authority within the meaning of that section, but with the substitution of Secretary of State for the Local Government Board; and

30 & 31 Vict. c. 101.

(*b.*) In Scotland to so much of section sixty-two of the Public Health (Scotland) Act, 1867, as provides for the confirmation of rules and regulations and the proceedings preliminary to confirmation as if such rules and regulations included byelaws under this Act, and the local authority under this Act were a local authority within the meaning of that section, but with the substitution of the Secretary for Scotland for the Board of Supervision; and

41 & 42 Vict. c. 52.

(*c.*) In Ireland to section two hundred and twenty-one of the Public Health (Ireland) Act, 1878, with the substitution of Lord Lieutenant for the Local Government Board.

Provision as to parents and as to meaning of "custody, charge, or care." [1889, s. 17; 1894, ss. 3, 17, 18.]

23.—(1.) The provisions of this Act relating to the parent of a child shall apply to the step-parent of the child and to any person cohabiting with the parent of the child, and the expression "parent" when used in relation to a child includes guardian and every person who is by law liable to maintain the child.

(2.) This Act shall apply in the case of a parent who being without means to maintain a child fails to provide for its maintenance under the Acts relating to the relief of the poor, in like manner as if the parent had otherwise neglected the child.

(3.) For the purposes of this Act—

Any person who is the parent of a child shall be presumed to have the custody of the child; and

Any person to whose charge a child is committed by its parent shall be presumed to have charge of the child; and

Any other person having actual possession or control of a child shall be presumed to have the care of the child.

Right of parent, &c. to administer punishment. [1889, s. 14.]

24. Nothing in this Act shall be construed to take away or affect the right of any parent, teacher, or other person having the lawful control or charge of a child to administer punishment to such child.

General definitions. [1889, s. 17; 1894, s. 19.]

25. In this Act unless the context otherwise requires—

The expression "local authority" means, as regards any borough in England, the council of the borough; as regards the city of London, the common council; as regards the county of London, the county council; and as regards any other place in England, the district council, and until a district council is established the urban or rural sanitary authority:

The expression "chief officer of police" means—

in the city of London and the liberties thereof, the commissioner of city police;

in the metropolitan police district, the commissioner of police of the metropolis;

elsewhere in England, the chief constable, or head constable or other officer, by whatever name called, having the chief local command of the police in the police district in reference to which such expression occurs:

The expression "street" includes any highway or other public place, whether a thoroughfare or not:

The expression "place of safety" includes any place certified by the local authority under this Act for the purposes of this Act, and also includes any workhouse or police station, or any hospital surgery, or place of the like kind:

The expression "Industrial Schools Acts" means as regards England and Scotland the Industrial Schools Act, 1866, and the Acts amending the same. 29 & 30 Vict. c. 118.

Application of Act to Scotland. [1889, s. 17; 1894, ss. 19, 21.]

26. In the application of this Act to Scotland, unless the context otherwise requires—

The Secretary for Scotland shall be substituted for a Secretary of State:

The expression "local authority" means as regards any burgh in Scotland, being either a royal burgh or a burgh returning or contributing to return a member to Parliament, the town

A.D. 1894.

council; as regards any police burgh in Scotland, the Commissioners of Police thereof, and as regards any county in Scotland exclusive of any such burgh, the county council:

The expression "chief officer of police" means the chief constable, or head constable, superintendent or inspector, or other officer, by whatever name called, having the chief local command of the police in the police district in reference to which such expression occurs:

The expression "court of summary jurisdiction," the expression "petty sessional court" and the expression "justice of the peace" mean the sheriff or sheriff substitute:

The expression "misdemeanor" means crime and offence:

The expression "manslaughter" means culpable homicide:

The expression "defendant" includes panel, respondent, or person charged:

The expression "enter into a recognisance with or without sureties" means grant a bond of caution:

The expression "workhouse" means poor house.

Application of Act to Ireland. [1889, s. 17; 1894, ss. 19, 20.]

27. In the application of this Act to Ireland, unless the context otherwise requires—

The Chief Secretary shall be substituted for a Secretary of State:

41 & 42 Vict. c. 52.

The expression "local authority" means the sanitary authority within the meaning of the Public Health (Ireland) Act, 1878:

The expression "chief officer of police" means in the police district of Dublin metropolis the chief commissioner of the police for the said district; and in any other police district the county inspector of the Royal Irish Constabulary:

The expression "committed for trial" means committed to prison or admitted to bail in manner provided in the Summary Jurisdiction (Ireland) Acts:

The expression "petty sessional court" means a court of summary jurisdiction:

31 & 32 Vict. c. 25.

The expression "Industrial Schools Acts" means the Industrial Schools Act (Ireland), 1868, and any Act amending the same.

Short title and repeal.

28.—(1.) This Act may be cited as the Prevention of Cruelty to Children Act, 1894.

(2.) The Prevention of Cruelty to, and Protection of, Children Act, 1889, and the Prevention of Cruelty to Children (Amendment) Act, 1894, are hereby repealed.

(3.) This Act shall come into operation on the twenty-first day of August one thousand eight hundred and ninety-four.

SCHEDULE.

A.D. 1894.

Any offence under sections twenty-seven, fifty-five, or fifty-six of the Offences against the Person Act, 1861, and any offence against a child under the age of sixteen years under sections forty-three or fifty-two of that Act. 24 & 25 Vict. c. 100.

Any offence under the Children's Dangerous Performances Act, 1879. 42 & 43 Vict. c. 34.

Any other offence involving bodily injury to a child under the age of sixteen years.

Prevention of Cruelty to Children. [H.L.]

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B I L L

INTITULED

An Act to consolidate the Acts relating to the Prevention of Cruelty to, and Protection of, Children.

(*Brought from the Lords* 31 *July* 1894.)

Ordered, by The House of Commons, *to be Printed*, 31 *July* 1894.

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[Bill 342]